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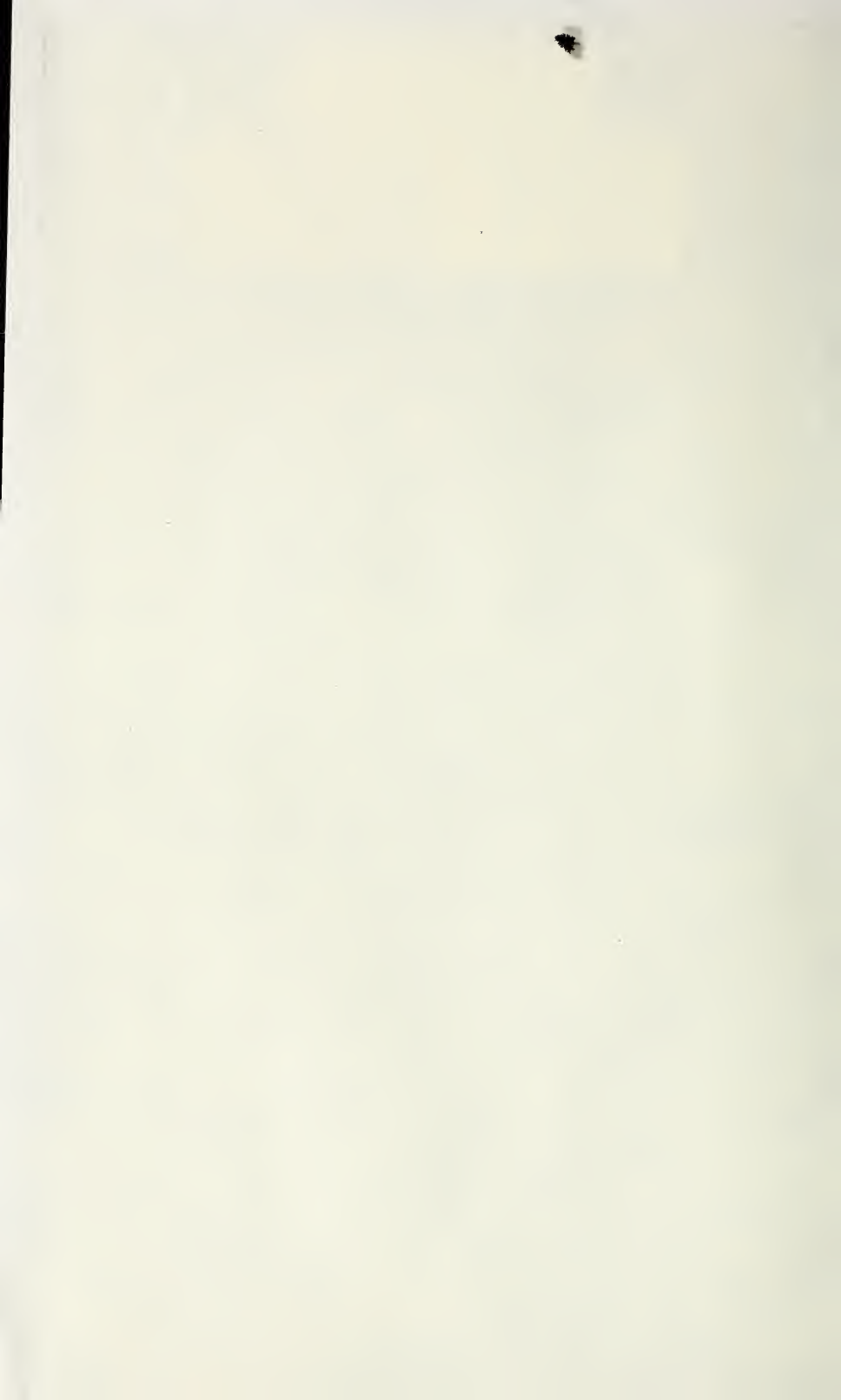
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NEBRASKA
HISTORICAL SOCIETY

PROCEEDINGS AND COLLECTIONS

SECOND SERIES

Volume I.

GENEALOGY DEPT.

OCT 20 1994

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LINCOLN, NEBRASKA

1894-95

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Lincoln, Nebraska

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PROCEEDINGS AND COLLECTIONS

Vol I., No. 1

LINCOLN, NEBR., JUNE 1, 1894

SECOND SERIES

HISTORICAL PAPERS.

PART OF THE MAKING OF A GREAT STATE.

JOHN A. MAC MURPHY.

I am aware that there is considerable of the ego in this story, but I have tried to write it in the third-person and failed. I am not good at that, and it requires too much explanation. In fact, the change in myself has been so great, and in every other phase of the scene so immense, that it is really another person simply looking back and putting the present man in the place of the boy of twenty. I have tried to efface my present self and go back thirty years and describe things just as they looked then,—and I hope to take you all with me for a short space of time.

In a street in New York City that was then a great thoroughfare to Brooklyn, in 1856, there was a very respectable dry goods store. The proprietor in that far away day dwelt over his store, as many others did in the heart of New York. It was there I first heard of Nebraska. Said proprietor, a relative, had been in the habit each fall of sorting up a lot of stock a little passe a

home, and taking it out west to sell to the "wild and woolly," though these people were far east of us now. That fall he went away west to St. Louis, and when he came home he was full of a wonderful man he had met there, a Dr. Thompson, and of a wonderful country still further from civilization, of which the said Thompson and a New York syndicate owned an integral part, to-wit, one half a town site, way up the Missouri river above Omaha, and in the Territory of Nebraska; and Thompson was sure and my relative was sure, that if we would only go there in the spring we would in a short space of time become very wealthy, and in the course of a few years be important and highly honored citizens of the new realm, perhaps get to be congressman or even governor—when it became a state. Nothing was talked of in the parlors above that little store that winter but Nebraska, the new, the glorious country, where to live was a pleasure, or even if we died, a joy to be buried therein. Thompson had furnished plats, maps and prices, and my friend visited the great Mogul in Wall Street, who was furnishing the money to some, and whose "Company" owned half the town site, and returned from that visit more certain than ever that Nebraska was the land to go to, and our future worldly prospects would be assured forever, and so it was. Well, to be short, a little party of New Yorkers was made up, and we were all to start in March for St. Louis and the West.

The very lots we were to have were picked out on the map and the section and number of the land we were to preempt adjoining the town site. What magic there was in that word town site! We had always supposed a site for a town, the land of a village, was owned by a great many people, a thousand, at least, and we had never even owned a lot; but this whole *situation* had been owned by only four people, and now the great New York Company, of which we were a part, had bought half the place and we were to be part owners of that, the

whole owners, each male at least, of 160 acres of Uncle Sam's good land for almost nothing.

I tell you that was a rich winter! We were a happy crowd; from clerks and paupers we had become landed and city proprietors, and were on the high road to health, wealth, and happiness. Our things were packed with much advice, as to what to take and what to leave, from people who knew nothing at all about it, but then you know how that is yourselves. We were to get final supplies in St. Louis, as the kind of things needed were better and cheaper there than in New York. Thompson warned us over and over not to get too much, not "to lumber up," because this town had been settled in the summer of 1856; there were four stores there, and fifteen houses; no wilderness, no trouble to get things. So about the first of April, 1857, we found ourselves at the old Planters' House in St. Louis, busy packing up the final traps, shipping a saw mill, and waiting for the boat to start. What a pleasant place the Planters' was then! To us, anyway, with its wide verandas, and genial people, every one ready to help us along to our prairie heaven.

The steamboat finally left, but our party remained a day, and were to overtake it by rail at Leavenworth. This was in the days of the Kansas-Nebraska troubles, of which we knew little, and I have said nothing about them as you can read them now for yourselves. We arrived at Leavenworth in the evening, and the boat was to be there in the morning; the hotel was just built—not finished, the landlord said every room was full, but we could sleep on the billiard tables in the basement, and he would "eat us somehow."

Good bye, old Astor House, New York, and old Planters', St. Louis!

While these arrangements were making, I heard a noise outside, and boy-like, rushed to the door to see what was the matter. Two men were using hard words, they closed a moment, the pop of a pistol was heard, and

one dropped over, shot dead. It was the old trouble, a "Yankee" and a Virginian quarreling over the slavery question, and it was the Virginian that lay in the gutter! He was a fine looking, black eyed young fellow, and his long hair streamed over the curb stone as did the blood from his wound. It was the first man I had ever seen killed in cold blood, and I felt awfully about it; could not get over the sight for several days.

ON BOARD THE OMAHA.

That was the name of our boat, and she was loaded to the "gunnels," as they say, with passengers and freight. In fact, all the state rooms, berths, and cosy places were taken for the women and children, and men with families, the rush to Kansas, Nebraska and further was so enormous that spring. We young unmarried fellows had to sleep on the deck on blankets, mattresses, etc., so that I early began to know what "roughing it" meant.

And now began the new life in earnest. The long, lazy, never-to-be-forgotten boat ride on the "Muddy Missouri," another phase of life that has passed away; the swirling, tumbling, clay-colored river, so utterly unlike any waters we had ever seen; who of eastern birth will ever forget their first sight of the Missouri River? It was years after before I read Mark Twain's description of a pilot's life, but the very same points arose in my mind then; I had sailed on the Hudson, in the bays about New York, on the ocean, but there were always fixed landmarks to steer by, something that stayed there, or the compass and chart; but here without either, how that pilot ever found, or kept the channel, was a mystery for many days, and not wholly elucidated yet. In fact, he didn't always, and sometimes struck a sandbar. Many days ensued with nothing to do except watch the ever changing scenery, unless you played cards, and many did, apparently day and night. Two famous gamblers were aboard, and when they slept the eye of man knew not.

The river was high, for that was the spring after the great snow; we could not run all night, and often tied up to a cottonwood tree, apparently in the middle of the river, or again on some shelving beach, with white, clean sand, and the boys would get out there and run races in the moonlight for tobacco and "sich." The wood-yards, and the inhabitants that gathered there, were always a source of wonder, and at times of sport. The regular fight between the Captain and the owner of the yard over the price of wood, often ending in "You go to H—ll," would make a horse laugh if it could be reported now phonetically; and when we did stop to "wood up," especially at night fall it was a novel scene. After the Captain and the wood-yard man got through swearing, the mates and the deck hands began; and such oaths, accompanied by blows, and threatenings without number! Talk about clothing a man with curses, as with a garment! Why, these fellows furnished material enough for an ulster, rubber poncha, Marquee tent, and a spare suit for Sunday. "Come now, there! lively now with that wood!

— — — Roll it in! — — — Are you asleep out there — — — you — — — You tumble up now, — — — lively!" "All aboard!" and with a jerk the plank was yanked in, sometimes leaving the last man in the river to be hauled out by his comrades. We had no labor unions then. I wonder what working men would say now, at being cursed and struck an hour at a time; but they did not seem to mind it—grew fat and danced the Juba over it.

The boat was so crowded that it was hard to get anything to eat, and a tremendous rush was made for first places at the table. An hour before the bell rang we formed in a long row and patiently waited; but then we had nothing else to do. And the table! none of your little, square, four at a time stands, but the length of the entire cabin. No little snippy dishes of this and that on the side, but great immense roasts, and stews and broils, and the Captain in all the grandeur of primeval authority,

stood at the head of the table, with a knife as long as your arm, and he cut and he carved as he pleased, but was very polite with his mouth, as to what part you would have, etc. A big fat steward stood behind him, to hand him things, the darkey boys trotted down the long table with heaping plates. Juicy! Fat! Those were dinners when you got at them once!

At one point a typical frontiersman came aboard, Jim Bridger, a man who had seen Indians—yea, killed them! How we gathered around him and stared! He had a bullet hole in his hat just above the hair, and I had no idea then that such a hole could be made in any other way than when the man's hat was on his head.

The "landings" at towns were as unique as the "wood-ups," but I have no space here to describe them, for we must hurry up or we shall never get to Nebraska.

In Kansas we saw cannon mounted on the bluffs at several points. Our boat was not halted, but several had been. At one place only were we searched. A committee came aboard; they did not ask us to say "caow" or "to hum," nor lift our baggage for rifles. It happened that nearly all our people were going to Nebraska, or Sioux City, and we were passed without further trouble. Above St. Joe, Missouri, we found few wood yards, and had to cut our own wood. The passengers would go out and help, to kill time, and make time, for they wanted to "get there" bad. The New Yorkers would try to make fun of the long, lank Missourians that came to the landings. At one place they had teased a green looking chap considerably. After the Captain had shouted "All aboard," and they were pulling the gang plank in, he said to Charley Porter, "Got any terbacker?" "Yes," said Charley, handing out a full plug of fine natural leaf twist. The Missourian took out a six-inch jack knife and cut off one third of the plug. Holding it up he said, "That's terbacker enough for any man, ain't it?" "I should think it was," said Charley, "Well you take it," said the native,

biting a huge chunk off the two-thirds in his hand and cramming the rest in his shirt as he jumped ashore.

And so we plowed our way upward, our numbers thinning a little at Rulo, Brownville, Nebraska City and other places, until we reached Omaha. Here there was quite an exodus.

Our party did not go ashore, and all I remember of Omaha at that time was a long sand ridge away out where the river is now, with two cottonwood shanties, saloons, and a scrubby old cottonwood tree. One shanty had a sign, "The Last Chance," that meant till you got to Sioux City, and was the first time I had ever seen that sign.

The two gamblers, who were going further, invited every one ashore to "take suthin;" as they had won all the loose change aboard, they could well afford to, and I think fifty, at least, must have followed them to the cottonwood bar.

We were about three weeks from St. Louis to Omaha, and over a week more in getting to Decatur, our famous town site; and now we were really in Nebraska and beginning to help make a state. What a queer looking place it was! A more heart broken and dilapidated set of tenderfeet never put hoof ashore, than we were the next day after the boat was gone and we were left fairly alone miles from nowhere and nobody "to home." Instead of four stores, there were two log trading posts, owned by Frenchmen, who hated "ventre bleu Yankees," and as for the fifteen houses, there wasn't such a thing as what we had been accustomed to call a house in the place. The long, cold winter had driven all but a few of the inhabitants of the fall before away, and we came near having to sleep on the prairie the first night. None of this particular party were accustomed to hard outdoor labor, and had never seen a country before where there was not a good tavern handy at night and a warm breakfast ready-cooked the next morning. Our complications, annoyances, and experiences would fill a volume, but you have

nearly all been there and I must rush on to describe things of a more local nature.

How we packed a small frame house (made in St. Louis), from the river banks on our backs and set it up for the only woman in the crowd, and how we lived on a barrel of eggs, and of potatoes, that some member had thoughtfully bought from the boat, after seeing the "town-site," until another steamboat came along; how the rest of us slept in a log cabin with a dirt roof, and got wet when it did rain, and how part of the saw mill had been left behind in St. Louis, and there was nothing to do but stake out claims, and play euchre, a new game to us, must be left for "another story." I am anxious to write a few words of a phase of early Nebraska that cannot be reproduced.

Imagine us stored away in cottonwood shanties hastily constructed, dug-outs, log cabins, and a few settlers coming in from time to time, to add to our numbers, and bring word from the outside world. For our mails came once a week to Ashton, Iowa, and had to be sent for, so that it was often a fortnight between times. Staking out "claims," wondering what we should do by and by when our money gave out, and whether the country would produce anything if it were planted, making acquaintance with the Indians, who flattened their noses against the windows of the cabin, and scared our only woman almost to death, formed our chief occupations for the first month or so.

In those days I had jet black hair, and soon sunburned darker than many a half breed. This, I think, took "Old Lumbar's" fancy, so one day he hailed me and said in substance: "You young man, got good ed-yuc-a-shun, you don't look like Yankee, how you like to come with me in my store? Injun payment come soon, you keep my books, learn Injun trade." I was only too glad to agree, and the next morning took my place behind the rude counter of a little log trading post and began another

chapter of life still more strange and more at variance with my previous belongings. While the little town grew, a few families came in, some prairie was broke, the town company made a few improvements, and we began in odd ways to assume the duties of citizenship in a new country, this chronicle will turn to the doings of still older settlers than any of us in Nebraska.

THE ABORIGINES.

The Omaha Indians had barely been removed from below Omaha to their present reservation in the fall of 1856,¹ and as no arrangements were made for post traders, and no white men allowed on the reservation other than the agent and his employees, the two Frenchmen, Sarpy and Lambert, and one American, Chase, had established stores or "posts," as they called them, just over the line in Decatur. The event of the year, the "payment," was daily expected. Did you ever see an Indian payment in all its glory? I guess not. Forty thousand dollars in gold was distributed per capita among the heads of families, and almost every dollar of it was spent within four days from the time it left the United States agent's hands—in this way: the old time regular traders had trusted the Indians through the fall and winter, and were allowed to go to the paymaster's table and collect their accounts, as each tall red man stalked by and got his gold pieces; and to the honor of both parties there was seldom a disputed account, though the book-keeping had been of the rudest kind on both sides. This diminished the forty thousand dollars woefully. In addition, half a dozen temporary traders mostly from Council Bluffs, for the Omaha merchants had not caught on to the Indian trade yet, rushed up at payment time, pitched their tents in the neighborhood, and divided the remainder of the forty thousand dollars with the "regulars," much to their

¹ Pursuant to the treaty of March 16, 1854. See *Treaties concluded by the United States of America with Foreign Nations and Indian Tribes, 1850-1855* (Boston, 1854), p. 135.—Ed.

disgust, and so strong was the rivalry that it often seemed as if blood must flow to settle the disputes. Thirty-six years ago the Nebraska Indian was a much more primitive creature than now; his contact with the Mi-e-tonga, other than French traders, had been limited. He had never seen so much money in the world before, he had never had so much as his share of the forty thousand dollars amounted to, in all his long or short life. Surrounded by traders, whose tents glittered with the things he had not, but wanted, and thought he needed, do you wonder that in three days his money was all gone, and he again lived on credit until next payment? *Shemakeman* of the present day are frequently no wiser. For three days and nights we never took our clothes off nor slept, except standing cat-naps by turns, and at the end of that time there was but little money left among the Omahas, and but few goods on the shelves of the traders. Blankets, strouding for petticoats, butcher knives, guns, powder, lead, sugar, coffee, tabac, hatchets, beads, looking glasses, flints, paints for the person or to color robes, vermilion being the favorite, flour and bacon, were among the principal articles sold. As a curiosity I mention that at that time the Indians were perfectly crazy for fresh beef, "*tesca*;" the outside traders always brought in a lot of cattle on the hoof, some tough ones too, but they were all sold by the time payment was over, and the Indians literally gorged themselves on it. Fresh venison was nowhere by the side of white man's beef. Another fallacy: learned men tell us salt is essential to human health and happiness; it is a fact, these Indians would not eat salt, they would spew and sputter and cry "*Peazha, peazha, scha-ha!*" (bad, very bad), if by chance they got any in their mouths.

During payment time these traders, and everybody else about the place were wide awake and sober as a judge; but after it was all over, the Indians gone back to their reserve, the money disposed of, they were apt to take a big spree to make up for the days and nights of

work and anxiety. One of their frolics was like this: Sarpy, Lambert, and a Council Bluffs trader stripped to the buff, took a bolt of calico each from the store, and winding it around them like a breech cloth, Indian fashion, they mounted their ponies, with fifteen or twenty yards of calico streaming behind for a banner, and with a new broom for a gun, they galloped the town over, took a drink at the one saloon, and ran races until the calico gave out, from the horses stepping on it and contact with the weeds. There has been a great change amongst the Indians since then in dress. The males generally wore a breech cloth and blanket in summer, or a buffalo robe in winter, confined by a belt or cord at the waist. When this was dropped off the shoulders to use the arms, they were naked from the waist up—moccasins and leggings, of course. The squaws mostly wore a short calico shirt, and a stroud, that is, a narrow, straight petticoat, short, of a heavy, very wearable, blue or red cloth, with a bright selvedge around it, made expressly for the Indian trade, and at present practically out of market. Now nearly all the tribe are dressed in civilized fashion, and would feel badly if clothed otherwise. Language, too, has changed; I have used two words above for white man; *Mietonga*, big, or long knife, from the swords of the officers, the Indians first saw; and *Shem-’man*, white, or pale face; the first was used as much as, if not more than, the last in 1857, while probably no Omaha would speak of a white man as *Mietonga* to-day. This spelling is my own. Every now and then Congressman Dorsey or some other, would send me a big book from Washington, with Indian history in, and the spelling is fearfully and wonderfully put together. No human tongue can pronounce it “that-a-way,” not even Garner’s anthropoids. The Indian for pony is *Shoñga*—I spell it S-h-o-n-g-a. What is the use of putting in consonants like an ex-Secretary of State until the word looks like this: T-z-s-c-h-o-n-g-a-a-h.

When so much is said about what is money, and its

real value, it seems queer to me to look back and think that I took part in such a trade by barter, for in the interval between payments a large part of our business was in furs, robes and skins. We got a great many buffalo robes, yet, and beaver, mink, otter, fox, and now and then a bear skin or a silver grey wolf. Antelope, deer and elk skins were plenty, and each had its barter price in flour, sugar, coffee, meat or what Mr. Indian wanted. We verified the old saying that a "pint's a pound the world round," for the trade price of many skins was a pint tin cup full of such and such goods. Towards spring half the place would be piled to the ceiling with peltries, and you could smell that old log cabin for miles down the bottom, when the door was open and the wind right. Nice place to sleep, eh? but that is nothing when you get used to it.

Among other curious incidents that summer I took part in an Indian funeral; one of the chiefs died, and it seems he had made Decatur promise to bury him just like a white man, and the old Commodore tried his best as you will see. A pine coffin was made by the town carpenter, stained black and put in a lumber wagon. Several of us went along to see how things would go, and to make it look like a white man's procession. We drove up on the reserve, and found the "tepee" where the chief lay, easily enough by the howling, and entered. Evidently there was a division in the family about the manner of celebrating the obsequies; after the ground was strewn with gutterals, ugh's, and the Commodore had emphasized his opinion with words, that are in the prayer-book, but not in the way he used them, they motioned us to go ahead. We laid the corpse in the coffin face up, but that wouldn't do; the squaws turned him over face down. We tried to nail the lid on, and that wouldn't do. We picked it up and carried it to the grave as much like white men as we could. The grave was dug down about three feet, much wider than the coffin, then an offset, and a place the size of the coffin was dug some three feet deeper.

We lowered the body, the coffin still open; and his family insisted on putting in a number of his personal belongings on top and about the body. It is so many years ago I will not attempt to give them accurately, but a bow and arrows, food, tobacco, a knife, and a medicine bag were among the lot. The lid would not go down, of course, and was left on top of the debris, and some dirt thrown over it. Decatur then read the Episcopal burial service, and we all joined in when possible. This part seemed to please the Indians very much. They afterwards set up pieces of wood like rafters from the offset about three feet above the ground to the point, and then covered that with brush and dirt, making a mound that can be seen a long way off. Much might be and has been written of the American Indian, of his council fires, his medicine dances, etc., and much of it latterly is trash. A man or woman comes out here from Washington or the east, stays a summer on a reservation, goes back and writes a book on the Indians, a good deal of which is utterly worthless as history. It is harder every day to write intelligently of the real Indian. There is so much that is veneered on to him, now, by residence with the white man that the original timber is almost unrecognizable. I shall never regret that I had the chance to see and associate with this race while they were much nearer real aborigines than at present. The human mind works pretty much the same way in the savage and the civilized; the motives are very similar the world over. You would hardly find an Omaha today that would stand in front of the agent or interpreter, and beat his breasts and say, "Big Injun, me, four squaw, heap scalp, plenty horses, me chief Omaha." And yet I have heard just that, and in a council each one would arise, walk round the circle, and recite his standing and record in the tribe. It is not the custom now, with Indians. At a white man's pow-wow here in Lincoln just after the election, I observed that our young chiefs, our Webster and our Estabrook and others, did

not beat their breasts; they did not walk around the circle and step before the head man; but according to a printed program they all in turn arose, bowed to the chairman, and then set forth in the best American they knew, what each one had done for his country, his city, and his tribe; and before they got through you unavoidably had the idea that they must be pretty big fellows at home. And each and every one announced in a loud voice the name of his tribe,—it was "Republican." Wherein does this differ materially in motive or machinery from an ancient wigwam conclave?

The Indians have been divided respectively into the fishing and hunting tribes and the corn or crop-growing tribes, or by another authority the canoe and boat Indians of the east, and the horse or riding Indians of the plains. Just now when we are hearing so much of the Sandwich Islanders, their early customs and morality, it may be remembered that of all savage races, the North American Indian worshipped one great invisible God, the Great Spirit over all. He never bowed down to idols; and all history bears testimony that they naturally were a brave and virtuous race, wherever uncorrupted by the Mietonga. For the rest, they were just like whites, some very remarkable characters, and some very worthless Indians; some exceedingly truthful, proud of their name and character, and some too mean to despise.

We trusted many for hundreds of dollars six months or a year—even after the right to go to the pay-table and collect was interdicted—and seldom was an account lost or denied. There are good Indians alive, or there were when I knew them. I hope the experiment of making them soldiers will not be abandoned without the fullest trial. Slaves you can never make of them, but soldiers you may, and it is in harmony with their race, their conditions, and former surroundings.

"HARK BACK."

And now to our little colony a few moments again and I

am done. That was an ideal summer; it was the purest democracy I ever saw; no man was above his neighbor, money made no difference for few had much, and those that had could not buy the things most valuable, viz:—help and aid physically, a good temper, the faculty of assisting to pass the time, or the ability to do something in behalf of the general welfare. It was the golden age of hospitality, for the latch string of every cabin hung outside. Without an officer of the law in our community, and no known code or written law, we lived a season in which there was no crime committed, and no theft permitted. We made our own laws and obeyed them.

The bones of elk, antelope, deer and buffalo were numerous on the prairie. It seems to me as if every forty acres must have had at least one skeleton or a portion of the remains of these animals. The heavy snow of the winter of 1856-7 wore the small game out, or they starved, and the Indians and what white hunters there were, caught them in drifts and cut their throats by thousands for their skins. Buffalo skulls could be picked up readily, and their "wallows" and trails were deep and many. The grass withered and dried up in summer, and it was a great question if this prairie soil was good for anything. This may sound foolish now; but when you reflect that we had never seen any land not naturally covered with stones and trees, and of a different color and formation, it will not seem so ridiculous. We drove ten miles in a lumber wagon to see wheat growing on the bottom. A man had half an acre fenced in round his house, and the wheat was really growing! All stock was turned loose on the prairie, and could roam westward as far as it pleased. Our daily regret was that we had not stock enough to eat up the grass that went to waste, as we thought. An old friend came from the east to see me, and when he returned, he told everybody for months, "Greatest country! Why, John took me in a buggy over a hundred miles and the wheels never struck a stone and you can plow a mile without turning round. Think of that!"

Speaking of plowing furrow. In 1858 or '59, David L. Collier got an act passed by the legislature for a road from Decatur to West Point and Columbus and to have a deep furrow plowed. S. Decatur, J. E. Wilson, and C. Dunn were the Commissioners,¹ and the work was done in the summer of '60, as far as West Point, and it saved many a pilgrim from being lost. That was a furrow 30 miles long without turning round. Think of following a furrow now across otherwise trackless prairie; but the old "furrow road" was a great institution in its day.

SNAKES.

By the way it has often been a source of wonder what became of all the snakes a few years later. In 1857 you could not walk out in any direction without seeing or hearing a rattler—Massasauga. Big blow snakes abounded. We never opened the stable door mornings without carefully looking to see that his snakeship was not curled up in the litter ready to strike. Two of us killed forty in one afternoon. One Fourth of July we picnicked on the Reservation. Just as a clean cloth was spread on the grass for the dishes, a fierce rattle was heard in the centre, and the ladies tumbled backward in affright, while Decatur clubbed a ten year old shake-tail to death, Bull-snakes crawled up the logs of a cabin to a bed-room window, and curled round the bed-post to the horror of a maiden lady who woke up one morning to greet such a visitor! Another lady was mixing dough, when a snake dropped from a scantling into the bread-trough. The first thing in laying out the foundation of a new cabin was to mow half an acre of grass, close, round the site, so we could see the snakes. They seemed ubiquitous. An odd genius kept a pet bull-snake around the house; would not let the women or children kill it;—said it caught flies and toads and hurt nobody. The snake had a hole under the logs, and would only come out when the old man was about

¹ See Territorial Laws, Sixth Session, 128-129. Law dates from Jan. 10, 1860.—ED.

the place. One day Mr. Snake crawled out and stretched himself in the sun just under the rockers of a chair. The old woman came in tired, pushed her sun-bonnet up, threw herself in the chair, and leaned back heavy. There was a squash, a hiss, a muss and the old man's pet was gone forever.

Where did they all go to? Ask the philosopher who has accounted for the grasshoppers.

WHISKEY.

Along with snakes naturally comes whiskey. It was nearly as free as water. It only cost eighteen to twenty cents a gallon in St. Louis, and there were no license laws, no restriction on any one selling it or giving it away, no society bans, nothing but your own good sense of right and the strength of your constitution to prevent drinking any amount of the stuff. An old fellow lived in a log cabin half way to Ashton,—a keg of whiskey and a tin cup stood in the corner, always free; if the old man wasn't home, all you had to do was to help yourself. On the road every one carried a jug or a bottle, for the snakes were really bad, you know.

I did an odd thing once. While the temperance excitement was at its height in this State, many arguments were made regarding restrictions on selling liquor, and many disputes as to whether men would drink more if it was cheap and plenty, or no restriction legal or otherwise on its use. I happened to think of the conditions surrounding this early Nebraska colony in this respect, and I wrote down one hundred names of those I had known there or up and down the river, exposed to the same state of affairs, and then traced their careers out as far as possible, to see the effects in after life of the license and liberty of their earlier portion. Here is the result:

Out of the one hundred persons, twenty-eight were dead when I made the figures, eight were lost, but I had a knowledge of them for some years after the date named,

or up to middle age, when their habits would be fixed; and in the whole lot, as far as I kept track, only six could have been said to be hard drinkers in after life. Two of these had great family troubles that might have driven them to drink; three more straightened up and are living or have died sober men; a few more may have shortened their lives; or at one time injured their business prospects, but only one could be said to have made a complete and total wreck of himself on account of drinking or other vices. Though mostly young men then, several were middle aged and brought their drinking habits with them. Two of these sobered up almost entirely before they died. So far as I can ascertain, not one was ever under the ban of the law for any vice or crime. I do not know as these figures have any value; only, that of the Decatur lot proper I had to take every man there was at the time, and there could be no picking and choosing to make a showing one way or another.

Some years after I came across the names again, and it struck me to use them for a totally different set of facts or theories, as you may choose to call it. Out of this one hundred, six were minors. One poor fellow committed suicide, one lives in San Diego, Cal., in the telephone business, one is in railroad work in Chicago, one died assistant postmaster of Omaha, one took an Indian wife and became a trader and U. S. interpreter among the Omahas; his son is a lawyer up country now. Seventy-four I call my own group; that is, they belonged to the Decatur colony proper; sixteen came to Omaha, and live or have died there; ten scattered out on farms along the road or about Tekama; two are at West Point. Of the one hundred, one died mayor of Council Bluffs, there was one congressman from Nebraska, one territorial legislator, and one United States senator. Two have been on the district bench, four turned out good doctors, four were lawyers, including the two judges, and two were editors, one at least of whom became quite famous,

none became immensely wealthy, that is, up in the millions. Of the seventy-four, only four became what you might call wealthy, as wealth goes now, and they made the money after leaving Nebraska, in Colorado and further west. Those who lived at or came to Omaha, every man of them got rich, some running up into the hundreds of thousands. In justice to my old comrades at Decatur, I must say they were just as smart apparently as these fellows, in fact it was considered a very intelligent colony, so that I come to the conclusion that environment, opportunity, has more to do with getting wealth than brains, education or good morals; or you may say that the possession of brains, education, and good habits does not ensure any person riches in this country. Here it simply illustrated the difference between settling in a growing town that became a city, and remaining in a village. Those in Omaha obtained riches mostly by the rise of land property, rather than through greater ability or even better business habits. Though several were soldiers afterwards, Captain was the highest rank any attained, I believe. Twelve lived or died poor, and to my certain knowledge six died or are living now without a roof of their own over their heads, or a foot of land in Nebraska, when they had the whole prairie to choose from once. Take eight out of the hundred—two Frenchmen, two who could not read and write, and four more who had very meagre education or advantages, and that leaves ninety-two starting out in life very nearly equal, for none had any great amount of money, and if some had a little more than others, those others had a better education, or better health, or some mechanical ability, so that as far as human eye could see and human judgment go, one was just as likely to succeed as another; and each and every one had the whole world this side the Rockies to choose from. Look at the result twenty-five years after. Sixteen go to a thriving, growing town and all succeed; four leave for the gold and silver region and do

the same; those that stuck by their first love, or wandered back east again, are left either poor or with a moderate amount of this world's pelf. Fifty-nine live in the State now, or have died here; the rest are scattered to the four winds of the earth.

One curious circumstance a friend noticed: of the entire number that came to Decatur in '57-8, those who brought any money with them left the town or died there broke, those who came with no money were the only ones who ever made any there.

Few of this particular party came here to farm, but it is a fact that of those who scattered out along the road or the bottoms and became farmers, every one gained a competency, and a good home to live or die in; and some after a number of years of successful farming "moved to town," became bankers or large stock-dealers and are rich to-day. It was entirely of those who tried some mechanical employment, or drifted into clerkships, or politics, that represent the poorer ones; bear this in mind when any one says that farming don't pay. How some of our Omaha friends made money is easy to be seen. The original town and ferry company at Decatur were: Peter A. Sarpy, B. R. Folsom, Jno. B. Folsom,—Jones of New York, Enos Lowe of Omaha, Tootle and Jackson,—Hellman, T. H. Hinman and Heman Glass. Nowadays the natural money-maker strikes for a street car line and an electric or gas franchise; then the thing to freeze on to was the town and ferry privilege, and the men who owned a good ferry on the Missouri in an early day had a bonanza equal to a gas factory now.

In this time, silver has been at a premium, gold at 240; greenbacks triumphant. Wheat, \$2.50 a bushel on the banks of the Missouri; corn, \$1.00 a bushel for feed and \$1.50 for seed; and again silver at a discount, gold and greenbacks worth a dollar, one hundred cents, no more, no less, wheat as low as thirty-five cents, and I have burned bushels of corn at 15, 12½ and even as low as 10

cents a bushel. I have seen land go begging at \$1.25 per acre; and sell for thousands of dollars per acre, or hundreds per front foot. Freights have been 3 to 5 cents a pound for a distance of 100 miles, or less, and at $\frac{1}{2}$ a cent per ton per mile. A man and team have earned \$5.00 to \$8.00 per day; and have worked at \$1.50 per day of long hours.

In these thirty odd years there has been a low tariff, a moderate tariff and a very high tariff, and yet some men got poor and some rich all the time. The constitution and fundamental laws have been about the same, so that we must conclude that no change of mere laws, no tariff, no particular kind of currency can make all the people rich all the time; nor can they make them all poor all the time, but under any laws and any conditions, some are bound to be rich part of the time, and some poor part of the time.

A man's own exertions and his environments create his success or non-success. These sturdy, earlier settlers that have succeeded and made this broad prairie blossom as a rose, who solved the problem whether Nebraska would grow wheat and corn and fruit, did not "holler" for the government to help make the grass grow, abolish snakes, or even rid them of the bugs and grasshoppers. They did not ask to have wheat made a dollar a bushel by statute, and yet they are here, many of them, "sassy," fat and hearty, living in their own homes with money in the bank, and their children growing up about them in peace and plenty. It is a later or newer edition who seem disposed to turn, like wards of the nation, to the Great Father at Washington for everything, and who seem to think that a government (which should be themselves), can make up for shiftlessness, ignorance, bad investments, or even the losses and defects resulting from natural causes—by simply passing or "repealing" a law. The best, the truest function of a wise government is to protect life and property, to see that all are equal under the law,

that every man gets what he really earns—and “hands off” as far as the rest goes. The great law of supply and demand, as our president here has so often said, fixes the price of produce and stock and will regulate freight rates in the end. It determines the value of your money, and no legislative, nor judge-made law can ever subdue or alter this fact, and it is about the only real solid fact that Adam Smith or any other political economist laid down, that has thoroughly stood the test of “*the times*.”

L'ENVOI.

Friends, perhaps I have wearied you. Let us say this to close: while I have not been of the most lucky or fortunate of these early centurions, I have seen a great state grow up before my eyes, made out of nothing—but dirt, brains and work. None of us will ever see the like again. It cannot be duplicated now or perhaps ever; not that there will be no new states after us, but the same conditions will not prevail. It will take time, money, artificial resources to make the states that are to come. This is the last state where nature laid herself out to furnish a climate, soil, and surroundings, wherein the sons of men could make homes with the least toil, the least expenditure of either time or pre-created wealth. Of no future state, just as it lies out doors, without artificial aid, will it again be said: “Tickle the land with a hoe and the crop laughs to the harvest.” Glad am I that I had some small part in the making of such a state, and whatever fortune has in store for me, I shall rest in patience, content in that, until I am visited by “the Exterminator of delights, and the Separator of companions.”

Omaha, Dec. 12th, 1893.

THE LIFE OF GOVERNOR BURT.

One of the strongest influences on the destiny of Nebraska was negative in character—the death of the first Governor of the Territory, Francis Burt. What his influence on the Territory would have been had he lived, and what it was in his death, were equal, but the two were in diametrical opposition. His life was full of interest, and his pathetic death proved a turning point in the history of Nebraska. Notwithstanding these facts, to-day he is less known by the people of this Commonwealth than any other Governor of the State or Territory.

This is the result of various causes. Naturally not many of our present citizens were acquainted with the first Governor of the Territory. Less than a fortnight on Nebraska soil, but little was known of him by the few thousands then in the Territory. His home was in one of the far South Atlantic States, a section which furnished but few emigrants who knew him before he was sent to the frontier Territory whose executive office he was not permitted to retain.

Francis Burt, Governor of Nebraska, first saw the light of day on the 13th of January, 1807, on his father's plantation in Edgefield District, South Carolina. He could trace his paternal ancestry back to the earliest settlers in Virginia. His father, also named Francis, after distinguishing himself in the Revolution as a colonial soldier, settled in Edgefield, and while engaged as a planter there, was several times chosen to represent his district in the state Senate. The mother of the future Governor was Katherine Miles, a lineal descendant of some French Huguenots who were driven to South Carolina by the per-

secutions which followed the revocation of the Edict of Nantes. Of young Francis' five brothers, the eldest died in infancy; three chose medicine as their profession, and one the law. What became of his three sisters' is not apparent.

While Frank, or the young Francis, was still at an early age, the Burt family removed to Pendleton, South Carolina and there the five boys took advantage of the educational opportunities offered by Pendleton Academy. Frank did not graduate, but seems to have been a diligent student subsequent to his scholastic career; for it was said of him that "Few men in the State had a better knowledge of the English language, or spoke it with more correctness or purity." When ripening into manhood, he developed a commanding figure; and yet there was blended with his dignity a grace of manner and the frankness and suavity which produce that attractive character called magnetic.

About the time he left school, he entered the office of Hon. Warren R. Davis as a law student, and there acquired the rudiments of the profession he had chosen. In 1831, he married the eldest daughter of George Abbot Hall of Charleston, an attractive, cultured woman, with a strong personality, well fitted to be the wife of a man like Burt. This marriage was blessed with eight children.

Frank, the oldest son, died at an early age while a student in his father's office. Armistead, the second, named after a favorite brother of his father, adopted the profession of medicine. At the commencement of the civil war, he enlisted in the Confederate army, and lost an arm in one of the battles before Richmond. The third son, George Abbot, or Frank as he was called after the death of his older brother, is still engaged in farming. Four daughters married, Georgeana becoming Mrs. William H. Dawson; Harriet, Mrs. D. M. Young; Joanna, Mrs. George Roberts; and Mary, Mrs. William A. Johnston. Katherine never married, but devotes her life to

works of charity, and is known all over Georgia as "Sister Katherine," the head of an Episcopal home for orphaned girls, originally founded for daughters of Confederate veterans.

After practicing law in Pickens for five years, Burt returned to Pendleton, a beautifully situated town to which he was most tenderly attached by his early recollections. Burt seems to have been a natural leader of men. While in Pickens, he was chosen a member of the famous convention of 1832, and took an active part in formulating that short-lived doctrine of nullification, which created so much of a sensation at the time. He then was but twenty-five years of age, and for twenty years served almost uninterruptedly as a member of one branch or other of the state assembly. From 1847 to 1851, he edited the *Pendleton Messenger*, one of the old time Democratic weeklies, and his journalistic life doubtless widened his acquaintance and gave him much prominence and influence. In 1844, the legislature in joint session elected him state treasurer for a term of four years. He received eighty-eight votes out of a hundred on joint ballot, and four years after the termination of his occupancy of this office he sat as a delegate in the constitutional convention of 1852. This convention and its duties ended, his home district once more elected him representative; and it was while serving in this capacity that President Pierce, a month after his inauguration in 1853, offered Mr. Burt the position of Third Auditor of the Treasury. The proffer was accepted, and Burt's long official life in his native state was ended.

As Third Auditor of the Treasury, he was a decided success. The contemporary journals united in praising him alike for his efficiency, and for the frank fearlessness he displayed in the discharge of his duties. When he assumed the office, he found the department in a demoralized condition. The work had been badly neglected, and it was predicted that five years would be necessary to

complete what his predecessors had left unfinished. Although head of the bureau for less than a year and a half, at the time of his resignation to take up the duties of Governor of Nebraska Territory, he had accomplished all that those who preceded him had left undone. He had over a hundred clerks in his office, many of them his political opponents, but the energy he infused into his department made all his subordinates devotedly attached to him.

Auditor Burt's decisions on a number of fine legal questions presented to him while in the Treasury are said to have saved the government hundreds of thousands of dollars. One instance of his vigilance is recorded. In 1839, the Legislature of the Territory of Florida issued one hundred bonds of the value of \$1,000 each, attested by the signature of the governor, the secretary, and the treasurer of the Territory. Five of these were stolen by an assistant quartermaster, and the Territorial officials issued five additional bonds to replace the ones feloniously taken. The thief forged the name of the Governor to the bonds, and negotiated them, the secretary and treasurer having already signed the stolen securities. Three years later, in 1842, the fact of the theft was made known to the Treasury department at Washington, and a close watch kept for the bonds for some time after Congress ordered the redemption of the issue, but gradually they were forgotten. Twelve years later, in the beginning of Burt's service as Auditor, a Banking house at New Orleans presented one of the bonds for payment. It was paid without question. Later, two more were offered, and when referred to the Third Auditor for approval, his suspicions were aroused. Correspondence with the Governor of Florida showed that the bonds in question actually were the ones stolen by Colonel Armstrong fifteen years before; their payment was refused, and the \$2,000 principal and interest of the one previously redeemed were recovered of the Louisiana bank.

On the 2d of August, 1854, Burt was commissioned Governor of the newly organized Territory of Nebraska, and at once left for Pendleton to arrange his affairs for his absence in the West. Governor Burt was assigned a task which might have appalled a less resolute man, but it was with the highest feelings of hope that he left for his new post. At that time, the Territory of Nebraska comprised all of the present state of Nebraska, the western part of North Dakota, and South Dakota, the eastern part of Montana and Wyoming, and a small corner of Colorado: an immense jurisdiction, containing almost as many square miles as the two largest states in the Union. This vast expanse of territory was practically uninhabited save by Indians; less than three thousand whites living in the extreme southeastern corner. Of its interior, but little was known; a few explorers and hardy trappers and traders had traveled along the banks of the larger rivers, and had traced them to their mountain sources, but even they knew little of the resources of the prairies which stretched for hundreds of miles on either side of the rivers of this *terra incognita*. Travellers followed those who had gone before them, and relied on the frontier military stations for protection from dangers they hardly knew, hurried along across the mountains where brighter prospects allured them.

Governor Burt was placed in a politically delicate position. A southerner, a strong states rights Democrat, sent to represent the general government in a northern Territory whose organization brought the two sections to the verge of a civil war, populated almost entirely by emigrants from those sections of the North where the triumph of the South in the *Kansas and Nebraska Bill* had annihilated the Democratic party, in a situation like this a man of less ability and tact would prove utterly incompetent.

As early as 1844, attempts had been made to secure the organization of the "Territory of the Platte" to contain a

large part of the Louisiana purchase northwest of Missouri and Iowa. The petitions to Congress were ignored solely on the ground of the insufficient population and the almost unexplored condition of the country which it was thus proposed to form into a Territory. After the wild, westward rush of '49, the developement of this section was given a wonderful impetus, and settlers multiplied along the rivers and on the prairies, whose soil the discouraged gold-seekers for the first time discovered to be capable of a certain degree of cultivation. Then the demands for the organization of a Trans-Missouri territory met with a slightly better reception. The country was better known and more thickly settled, although with truth it was alleged that the Indian laws of the time prohibited any but licensed traders from venturing on the reservations.

In December, 1852, Representative Willard P. Hall of Missouri introduced a bill for the organization of the "Territory of the Platte," which was referred to the Committee on Territories. In February of the following year, Representative William A. Richardson of the committee reported a substitute, a bill for the organization of the Territory of "Nebraska," the change in the bill being mainly in the name. For the first time, the question of slavery was dragged into the discussion of the Trans-Missouri country; a stormy session of the whole house closed with a recommendation that the bill be rejected, but by some means its friends rallied sufficiently to save the bill from defeat at that stage. Despite the bitter opposition of the Southern members, the bill passed the house by a vote of more than two to one. In the Senate, it met a different fate. After being referred to the Committee on Territories, it was not again brought before the Senate for discussion. A futile attempt was made on the last day of the session but one, to take up the measure for consideration and action, and on the succeeding day, the one preceding the inauguration of Franklin Pierce as

President, the bill was tabled and killed for the few hours that remained of the thirty-second Congress.

Congress did not assemble for the thirty-third session until the following December. In the interim the Nebraska question grew into a problem of national importance, and one which threatened to dissolve the Union before a peaceable settlement could be made. President Pierce in his message to Congress expressed the hope that the compromise measures of 1850 might have forever quieted the slavery discussion. But Senator Augustus Dodge of Iowa had already introduced a bill for the organization of the Territory of Nebraska, and this measure was destined to keep alive and make more bitter the struggle which Pierce had hoped and determined should cease. A month later the bad feeling was intensified by a special report so amending the bill that no doubt was left that the administration looked upon the Missouri compromise as having been superseded by the acts of 1850 relative to the terms of admission of California into the Union. A general sensation followed. The conditions were suddenly changed, and many who had championed the measure now became its most implacable foes. The proposition was so audacious, so utterly repugnant to the convictions of the almost unanimous North, that it soon widened the already dangerous breach between that section and the South. But the bill was passed, or rather a House Bill identical with the Senate measure, and the indignation of the North which followed was only equaled by the exultation of the South. The popular feeling is almost incredible to one not an actual cotemporary. "Conventions, town-meetings, state legislatures, denounced the repeal of the Missouri compromise." The roster of the congressmen who voted on the prevailing side was printed in Northern papers surrounded by black mourning borders. Douglas had hoped that the Kansas-Nebraska bill might win him enough popularity to elevate him to the Presidency; now he had

no political friends in New England and the Middle States. He could have traveled, he said a few years later, from Boston to Chicago by the light of his own burning effigies. In 1858, but two of the Northern congressmen who voted for the bill were returned to Congress. The Democratic party was more than decimated in the North; it was annihilated.

With the popular mind in such a frenzied state as this, President Pierce had far from an easy task in the selection of Governors for the new Territories. Man after man was sent from Washington to Kansas, and resigned in the hopelessness of despair. With Nebraska, the trouble that Pierce apprehended did not occur. Kansas was of easy access to the slave states; Nebraska was bordered by a free state. Kansas was settled by the skirmishers of the opposing parties; Nebraska by the abolitionists exclusively. Kansas, they thought, was blessed with a more salubrious climate; the African slave could not prosper on the more frigid prairies of Nebraska. In Kansas, slavery was battling on its own ground; in Nebraska its champions were compelled to yield before the struggle for supremacy began. But the probability is that Pierce looked forward to more of a conflict than occurred, and it is reasonable to suppose that in choosing a Governor for Nebraska, he appointed the man he supposed to be most capable of reconciling the warring elements. In nominating Burt, he was influenced by three motives: Burt's public life as a state and federal officer had convinced the President that his Third Auditor possessed a rare amount of executive ability and in every way was fitted for the position of Governor. He was a Southerner and as the South had won the recent battle, its candidates were to be given the preference. Again, President Pierce and Mr. Burt were warm personal and political friends. Pierce was anxious to promote his friend's interests, and Burt consistently believed that he was capable of filling the office of Governor with credit to himself and to the

President who appointed him. It is said that Mr. Pierce had about decided that Burt was to be sent to Kansas, but something interfered, and Nebraska was assigned him.

After being commissioned Governor, Mr. Burt immediately left for his home in Pendleton to complete arrangements for his family's comfort. Every clerk in the office of the Third Auditor signed a memorial couched in expressive language, signifying sincere regret at the separation about to take place, congratulating Burt upon receiving "This mark of the distinguished approval of the President and Senate," and the citizens of the Territory and its thirty-five thousand red inhabitants upon being providing with a Governor possessing administrative talent in such an eminent degree, whom they believed would prove a "kind father, a true friend, a safe guide and counsellor."

Governor Burt's reply was terse and manly. "I shall go out to cast my lot among the pioneers of Nebraska as one of them, to aid in developing the resources of the Territory, and to share their destiny," he said. "Determined to do justice and fear not, I shall use every effort to ingraft upon the institutions of the Territory the principles of self-government and constitutional liberty, and if I shall be aided, as I trust I shall be, by the people, I flatter myself that I shall be able to meet any difficulties that lie in my way, and to remove any prejudice of a sectional character that may exist against me."

On the 11th of September, Governor Burt left Pendleton for his new field of work in Nebraska, taking with him his son Armistead, Mr. Jones, Mr. James Doyle, Mr. Symmes, and others of his neighbors who wished to settle with him in the new Territory. No man was ever favored with brighter prospects. He had at last reached a place where, beyond a shadow of doubt, had he been spared his life, his energy and talent would have won him fame and fortune. Few men in the State had more per-

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sonal friends than he to regret the necessary separation while congratulating him on his promotion.

The journey from South Carolina to Nebraska at that early day was attended by inconveniences which now related seem almost exaggerated. This year more particularly was the journey difficult. For some reason, the water in all western streams was so low that navigation was impossible save in the largest rivers. Travel for a considerable distance was out of the question in other than a circuitous route. From Pendleton the party proceeded a short distance by private conveyance, then by rude stage and by the primitive railroads, by Athens, Marietta, Chattanooga, Nashville, to Louisville, for hundreds of miles over a rough road, in the crudest of conveyances, through a dry, dusty limestone country, drinking water so supersaturated with calcium compounds that none but a native could use it and thrive. Another rough journey by rail and stage from Louisville to St. Louis, by way of Chicago, followed. At St. Louis, unable to proceed farther, Burt called a physician, and spent several days in bed. Impatient to resume the journey, perhaps he pushed on before he had sufficiently recovered. But still there might have been a chance for his recovery until he landed from the steamer at St. Joseph and began the trip to Nebraska City. A rough, jolting hack was the best the country afforded, and from Nebraska City to Bellevue, a common prairie wagon had to suffice. How the others of the party survived the journey it is almost impossible to say. Governor Burt was so exhausted that on reaching Father Hamilton's Presbyterian Mission House, he immediately retired to the bed from which he never arose.

The chief interests of a large part of the inhabitants of the Territory centered in the selection of the Capital, for as they rightly supposed, on its selection depended the fortunes of the numerous town-site owners of the time. The competition was keen, and many a now forgotten

hamlet seriously urged its pretensions. Their future was entirely at Burt's disposal, for the organic act authorized the governor to select the meeting place for the first session of the legislature, and there the Capital would remain until a more suitable place could be agreed upon. Burt's health demanded that he be kept in a condition of absolute repose, but the importunities of the speculators allowed him no rest. "I might almost say he was worried to death," wrote Father Hamilton, "I feared the consequences from the first, but caution was of no avail to those who hoped to get rich by his deciding according to their wishes." The Governor's end was seen rapidly approaching, and shortly after midnight on the morning of the 18th of October, 1854, he called his old friend Doyle to his side, and gave him a few directions as to his private matters. He asked for Father Hamilton, spoke with him for a few moments, and then, while the friends who accompanied him on the fatal journey clustered around, he quietly passed away.

All was thrown into confusion in the Territory, but Secretary Cuming assumed the Governorship, and organized government suffered no intermission. The town-site boomers did not long cease their clamor on account of the death of the man to whom they had been so servile. Cuming now having the power Burt had possessed, to him their importunities were directed. It was soon found that the views held by Burt and those of Cuming were entirely different. Cuming located the capitol at Omaha, arbitrarily, and perhaps only because Omaha was able to outbid its competitors. What Governor Burt would have done is problematical, but one who knew him best positively asserts that it was his intention to call a convention at the Mission at Bellevue, to invite all the contestants to present their claims, and then to locate the temporary Capital at some point in the interior where it might remain the seat of government for as long a time as possible. Furthermore it can be confidently asserted that had such a con-

vention been held, the sentiment of the inhabitants of the Territory would have been found strongly opposed to the location of the Capital at Omaha, and an almost equal opposition would have developed to an interior site being selected. Probably Bellevue would have been the place selected. But with Burt as Governor, by no combination of influences can we conceive of Omaha being the first Territorial Capital.

The Capital was located at Omaha, however, and thereby the history of the Territory and State of Nebraska arbitrarily changed from what would have occurred in the natural course of events. To Omaha as the seat of government, all emigration was directed, all enterprises centered. Its promoters found themselves prospective millionaires, made so by an investment in a few acres of what they purchased as tillable land. In the prestige and reputation gained by Omaha, its late rivals were forgotten. There the Union Pacific in later years crossed the Missouri, and there sprang up the metropolis of the West. Had Burt lived, all would have been different. To Bellevue would have accrued the benefits derived from the location of the Capital. Bellevue was the logical crossing place for the railroad. From Bellevue on the Missouri to the Platte, there is a naturally well graded road. A railroad from the Missouri to the mountains would be much shortened by beginning the line at Bellevue, almost immediately crossing the Platte, and then in a direct line to the Rockies. By this route, there would have been a shorter distance to traverse, fewer large rivers to bridge, the grades would have been as easy as by the North Platte route, and yet the general topography of the two roads would have been practically the same. But with Omaha as the starting place, a South Platte route was not to be considered, and the north trail along the Platte was the only one that could well have been taken by the railroad builders. Perhaps it is not too much to claim, that had Burt lived, the South Platte country

would have been the earlier in development, and instead of Bellevue being a suburb of Omaha, Omaha might have been an almost unknown village, known only as a market place for the agricultural products of Douglas County.

In quiet contrast to this unseemly strife which intruded even into the presence of the dead, were the preparations for the removal of the remains of the late Governor to his Carolina home. On the 19th of October, the day following Burt's decease, Father Hamilton conducted services at the Otoe and Omaha Mission, Secretary Cuming and Chief Justice Ferguson participating. It is related that the exercises, though simple, were touching, some of the wondering Indians who came in curiosity departing in tears. The Legislature, on assembling in the following January, unanimously adopted as their own the expressive and sympathetic words of the Acting Governor at the opening of the session. The loss was deplored, and the grave in a far off state the legislature declared was another tie to unite communities widely severed, which would revert to Burt's memory with mutual pride, and to his death with sympathetic sorrow.

For removal to South Carolina, the remains of the Governor were entrusted to an escort composed of his son, Armistead, James Doyle, Mr. Symmes, and W. R. Jones, old Pendleton friends; Colonel Howard of New York, and Mr. Green of Ohio. For a considerable distance the melancholy train retraced the route taken by Burt in pressing on to his death in Nebraska. The party slowly moved by St. Joseph, St. Louis, Chicago, Cleveland, Pittsburg, Harrisburg, and Baltimore, to Washington.

A year before, when Burt was in Washington as Third Auditor, one of the clerks in the office met a sudden death in the Potomac. Although directly contrary to the regulations, Burt closed the department, and requested all therein employed to join him in showing respect to the dead by attending the funeral in a body. And now the clerks from whom Burt had parted but little over a month

before, showed their appreciation of the man who had the moral courage, unhampered by federal red-tape, to give his associates in authority a lesson in humanity. By order of the Commissioner of Public Lands, the remains of the Governor had been placed in the rotunda of the Capitol, and there all the clerks of the Third Auditor's office gathered to honor their former chief. A committee of clerks and Treasury officials escorted the remains to the steamer waiting on the Potomac, and formally surrendered the coffin to the escort which had accompanied it from Nebraska. President Pierce received the members of the party at the Executive Mansion, and spoke feelingly of his old friend. On arriving at Columbia, the Capital of Burt's native state, the remains were placed in state in the Council Chamber where he had for years sat as a legislator and a member of constitutional conventions. At Anderson, a county seat where he had formerly practiced law, a committee appointed by the citizens met the party, and escorted them directly to Pendleton, where in the presence of a large concourse of sorrowing friends, with Masonic honors, he was interred in the church-yard of St. Paul's church. A simple stone marks his resting place, and around it stretch the mountains he loved so well. There amid the scenes of his early struggles and triumphs, he lies ready for the final awakening.

Hastings, Neb., Jan., 1894.

REMINISCENCES OF EARLY DAYS.

B. J. JOHNSON.

Away back in the 40's, a very enterprising man by the name of Jones built a three story brick hotel in Independence, Missouri, where I was born and lived to manhood, and painted an Indian on horseback chasing a buffalo, and encircling this the words "NEBRASKA HOUSE." This was the sign for the new hotel, and caused much comment even in that far western country, with its close proximity to the Nebraska country, being about ten miles east of what was known in that day as the "Great Indian Country," stretching away to the Pacific Ocean, and also denominated by Fremont as the "Great American Desert."

This was the first time I ever heard of Nebraska (Shallow Water). But the lump of leaven was in the meal, and, then like to-day was slowly, but none the less surely doing its work. Civilization was on the march. In 1848, John Marsh an humble mechanic with whom I was acquainted, with a bosom full of enterprise, built a saw mill on the American fork of the Sacramento River in California, for Major Sutter. While digging a race to convey the water to the wheel he discovered gold in immense quantities, which set all America agoing with a quickened pulse; and as Marsh had lived in our country, as well as Mike McClelland, the Potters and others, all reliable men, when they wrote back to their old friends in Jackson County, telling marvelous stories as to the richness of the mines, and the consequent tremendous impulse to business, every body it seemed, by the Spring of 1849, was preparing to cross the "Great Desert Plains" to reach

the "Land of Gold." And so I, with hundreds of others, started. Boys, middle aged, and old men, all dreaming of fortunes to be made, and ready to brave any danger and privation that might cross our path. Thousands came to Independence, which was known as the great outfitting depot, from North, East, and South, and by the first of March, the country around seemed to be full of people, and thousands more coming, all eager to buy wagons, oxen, mules and so forth, but were compelled to lie over till grass would grow, for only ten miles from there, they would launch out into the open sea of prairie, where as yet no mark of civilization had been made; but blessings in this poor mixed world never come without their counterpart. The cholera broke out in great violence some time in April, first among the strangers, and then the natives. This caused many to buy corn at a dollar per bushel to feed on the road, and before the first of May thousands were on the road.

The writer did not start until the 15th of May, with the little train of eight wagons, drawn by four yoke of oxen each with about thirty men and sixteen riding horses, with clothing for two years, and provision for at least one. Wives, mothers, sisters, brothers, fathers, friends and some sweethearts too, gathered around the little train one bright morning in May to take the parting hand, and invoke the Divine blessing. With some, too, it was the last time those warm hands ever came together, and lips said that strange sweet word farewell. When the word was given, and the train pulled out, eyes looking each way through the tears that ran like rain over many faces, we realized something of the dangers that lay along our pathway.

We found a road bigger and plainer than any we had ever traveled before, and marked every few miles with the little new made mounds, and the tent waiting for some one to breathe his last, and very soon too we realized we were in an enemy's land. The Indians seemed bewil-

dered at the thought of so many "pale faces" all going in one direction,—“Westward,”—and whereto and what for, and when we made them understand, as best we could, our destination and mission, they wanted to know if the old ranch was broken up, and were there any more left, and such like inquiries; but like human nature everywhere, they soon indicated a desire to profit by it, either by trading or stealing, and it did not seem to make much difference which. Tobacco, sugar and whisky appeared to cover about all their wants. Bread and bacon they would not be bothered with. They cared but little for oxen or horses as they had an abundance of the fattest, fleetest and slickest little horses I had ever seen. As for cattle they had a world of buffalo which made the finest beef.

On the divide between the Blue and Platte rivers I have seen the earth almost black with them, and up the Platte to the Mountains, interspersed with droves of Antelope, and wolves by the thousand. Truly nature had made rich provision for these rude sons of the Plains or “Desert,” as we persisted in calling it, for to me it looked the very picture of a desert. The little short, curly, stunted grass, that felt like a velvet carpet under one’s feet where thick enough, was so short even in June, and so dry and parched, that many turned their faces homeward, rather than risk their fate to the short grass and more savage Indians, which we were told inhabited the higher and more mountainous country. While the great crowd surged along, determined to drive their stock, as far as they could travel, and then take a few pounds of bread and their guns and walk through, killing their game from day to day, we soon learned that this stunted grass had a wonderful richness, and strength about it which we were all strangers to. Thin and short as it was, we found that our stock were absolutely improving on what we expected them to starve on. But what a desolate waste was the country lying between the Missouri River and Fort Kearney! I can never forget when I came in sight of the

old Fort. A few adobe buildings away in the distance on the banks of that treeless, bankless, wide stream. I had heard of the jumping off place, I thought that must be it, but when I reached the place I found wagon tracks still going westward, and so on till I reached the Pacific Ocean, and then sure enough, I had come to the jumping off place.

But what of Nebraska? I wish I could cause you, my friends, to see the picture as I saw it in "Forty Nine," and for fifteen or sixteen years afterwards, while freighting over this country, until I was almost as familiar with it as I am to-day with Nemaha County, and then as you push aside the veil, and look at it to-day, with its wonderful agricultural resources, with less wasteland than any other state, with its millions of acres, where buffalo then roamed, now groaning beneath her crops of grain and grasses, orchards and farm houses, and beautiful towns, and teeming cities, fed by railroads running in all directions, and centering at these great centers of trade that seem in some strange way to have adjusted themselves in the matter of location.

I can never forget when I returned from California in 1851. My father asked, "What about the country between the Missouri River and Pacific Ocean?" I replied, "Oh, it's of no account!" "Well, what's wrong with it?" "Why, the soil is poor, sandy, and too dry to produce anything but this little, short grass, and when it does rain (as it did sometimes) in three hours afterwards you could not tell that it had rained at all. And after reaching a higher altitude, I saw it snow four inches deep, a short distance from Fort Laramie, and often ice would form in a water bucket, sitting out at night, all through the country now known as Wyoming, even in July and August." Father could not see through it any better than I could, but he was seventy years old. Since that I have learned that experience is worth a good deal to a man, even if he is not one of Solomon's first wife's children. Father was also a firm believer

in the idea that an infinite God has made the whole world, and every thing in it, and on it, and then last of all had made man in his own likeness and image,—made him just a little lower than the angels,—a creature of wonderful possibilities,—after giving him absolute control over every thing, he then laid it all down at man's feet, and bade him go out, and subdue, and use the whole of it. Then he fell back on his Bible and said, "My son, I'll tell you; when God made the world, he said it was good and very good,—made no exceptions at all,—and I reason that all there is about it is, we don't know what it is good for. Oh we have to learn it."

The oldest of us need to go to school. We think it strange that Fremont said this was the "Great American Desert." It was at that time. Who could have thought then, or even for years after, that the Salt Creek flats, a place that freighters always avoided, where the grass was unfit for stock, and the water could not be drunk by man or beast, should be in so short a time converted into such a beautiful Capital City, with her 60,000 intelligent citizens, her great business blocks, her railroads, like great arteries to warm and feed the body, her lines of street cars, and last though not least by any means, environed all around with those grand institutions of learning, where I trust and believe the future greatness of hundreds of young minds will be trained well in the idea that the world was made for man.

Go out and subdue it! Learn it! Conquer it! and use it, not for thine own good, but for man's good, remembering ever the fatherhood of God and the brotherhood of man. Can you raise the veil and look forty-four years ahead, when Omaha is likely to have a million or more of people, and your own desert state ten millions of people. I know 'tis hard for poor man to read correctly the future, but, Mr. President, with the government we have, justly and fairly and equally administered, and with the climate and soil we have, and seeing

what has been accomplished in the last forty-four years, realizing that the lump of leaven is doing its work much more rapidly than ever before, and circumstances that we can't control will compel us to adjust ourselves to the situation, keeping well in mind that the Infinite God is our father, not forgetting to let Him be our father, who doeth all things well, and ever remembering that man is our brother, not servant, but brother in fact, all helping each other to unlock the infinite treasure house our father has filled so full of such rich goods to feast the eyes, and satisfy the soul, and make Earth, notwithstanding that it and everything in it and on it has the withering, blighting curse of sin resting heavily upon it, a very sweet place for man to live in. If you will allow it, what will it be, and how will it be, when our work of development and growth here is all done, and we cross over that river that divides the finite from the infinite, where we will know as we are known, and see as we are seen even face to face, not as here dimly, as through a darkened glass? Let him who can paint the picture here or hereafter do it.

Howe, Nebr., January, 1894.

FREIGHTING IN 1866.

Part of a Letter Written from the Interior of the Territory of
Nebraska to the East, January 28, 1866.¹

From my far western abiding place (for 'tis not home, nor ever will be) I do most heartily send to you a loving greeting, right glad to know that I'm not blotted from your good book of friendship. * * * * *

Will give you, or attempt it—for nothing will just show, except the actual living here—some idea of life in these

¹ Donor, C. F. Bentley of Grand Island.

"Western wilds." In the first place we are about as near the center of nowhere as I care to be. *Imprimis*, I was *not* cut out for a pioneer. We are fifty miles directly west from Nebraska City which is the nearest point where one can buy a shoe-string or spool of thread. Farms here are "ranches"—cattle-yards, "corrals." There are no fences of any account, people herd their cattle, etc., by day, put them in corrals by night, that is, they "corral them." There is not enough timber to fence farms, therefore the necessity of herding stock—the "herd-law" is one of the institutions of this Territory. Everybody, (even, of course, I) wears a revolver or so upon his person, usually in plain sight in a belt. I do not mean they do at their daily work, but no one thinks of going many miles in any direction without pistols, and often bowie knives. Nebraska City is like cities I've read of but never before seen. It, and indeed much of my experience here, reminds me continually of stories I've read of overland trips to California, etc. The city is beautifully situated on rolling hills this side the Missouri and can be seen from many miles distant. For so young a city it's growth is remarkable. There are not many elegant homes or fine public buildings, but in some of the common looking houses there are hundreds of thousands of dollars worth of goods and the owners are making yearly fabulous fortunes. For the past four or five years Government has sent its freight destined to go across these plains, to this point, and the contractors for "Government freight," much of it supplies for soldiers stationed at the forts west of here, have cheated Government to their heart's content and amassed fortunes with ease. I suppose, however, now that the Pacific railroad is west of Omaha, the glory of Nebraska City has departed—besides Government has discharged so many soldiers from the forts that the next few years will require less freighting to be done. And yet another thing, the evil doing of the contractors has been represented to the Government

in such a manner that were there no other reason I hardly think Nebraska City would receive its old "run of custom." There are any amount of rebels living there—very easy you know to cross the Missouri river and be out of reach of the troubles in Missouri. I spent a few days at a "first class hotel" in that place last October and not having either my eyes or ears very closely shut I saw and heard some queer things. I say "first class hotel" for I was astonished at the sort of people I saw daily while there. The majority of the people I saw were southerners. With a very few exceptions the crowds of men who thronged the dining hall at meal times were armed (with pistols). There was one peculiarity, not one man in ten would look me squarely in the face. Those who would not meet the eye, I set down as "Rebs," "deserters," "bushwhackers," Guerillas," etc., for there are any amount of them there. This winter it has not been safe for weeks together, for a man to go on the streets after dark alone, even though armed, for burglaries have been very common, "rows and knockdowns" of nightly occurrence, and the whole spiced with two or three murders. Of late there has been talk of a "vigilance committee," and one "gang" having been broken up, times are more peaceable in Nebraska City.—People there get fast and spend fast—in fact are decidedly *fast* in more ways than one. "Shoddy" has a chance to swing itself ever so gaudily. It being a great place for the "fitting out" of trains to cross the plains, one is astonished at the blocks after blocks of "Mens Furnishing Goods," "Fitting-out Houses," "Outfitting Establishments," etc. And these establishments are wholesale, nearly all of them. Queer-looking signs they have, to one who is not accustomed to such novel sights. The Jews, I think, find the place a paradise for their business, for there are so many of them there. The streets are not filled with carriages and gay equipages, tho' I saw some elegant turn-outs—but there are huge freight wagons on every street, at

every corner; there are hundreds of oxen and mules attached to them. Often ten yoke of oxen to a wagon—six span, oftener four, of mules driven with one line. There is heard the lumbering of these “prairie schooners,” the bellowing of oxen, braying of mules, cracking of the long lariats? which for me is a show of itself, to see the dexterity with which the drivers use them. There is the hollowing—yelling—of teamsters, mingled with more oaths than I ever heard before in all my life together. These are some of the street scenes that one meets in Nebraska City.—“Everybody for himself.” And the people rush up and down the streets in utter forgetfulness apparently, of everything but *rushing*, rushing right on—not much matter where.—The merchants and their clerks seem to care very little whether customers buy or not. If they have *plenty* of time, will be polite; will attend to you. If not no matter. Tell you the price,—you can take the article or let it alone. If you don’t like the price, “lump it,” to use an elegant phrase. They don’t care,—are perfectly independent. Prices of most things are “horrible” for people with short purses. Everything is high in this prairie land. My mother sells some of her butter at sixty cents per pound, none less than fifty cents and that at home—cheese, thirty cents and thirty-five cents—and so on with everything. The great amount of travel on the road, half a mile from us, makes all the market one needs at present. Trains passing with thirty wagons (24 or 18, those being the usual numbers), are, or have been until recently, of almost daily occurrence—some going to the mountains, others going to the states. It is also the stage route (or one), Ben Halliday’s Express thro’ to California, so that we have a daily mail one day from the West, the next from the East. It seems odd in such a new country, so devoid of almost every thing civilized, to see the coach daily, going and coming. Speaking of trains, everyone has one or more; usually one, wagon-master who conducts the whole concern. These wagon-masters are almost

without exception gentlemen of education, men who talk in a quiet, gentlemanly manner to every one, expect to be obeyed by their inferiors, and are. Do not swear, neither when they are about, will allow the drivers—this, I say, is the sort of men they are as a general rule—such being the case, there are few “fusses” among the different trains that come in contact with each other in crossing the plains, where there are such good opportunities constantly coming up, as there must always be where so many men, most of them, (that is, the drivers) ignorant and ready to fight at the slightest provocation. No coward could fill the post of wagon-master to advantage to himself or anyone else. I have seen several whom I could not but admire not only for their gentlemanly bearing, but their philosophical way of overcoming difficulties, their firmness and presence of mind in imminent danger, and the almost supreme power they had over those under them. And I’ve seen mule-drivers that looked far less intelligent than the much-abused mule—not all so, of course, but occasionally. To give you a little idea of the magnitude of some of the trains, I’ll tell you of one that passed here about Christmas, a mule train. Before they had gone more than sixty miles west of here, having been corralled for the night, a snow storm came up, and the night-watchers, deeming themselves safe, became careless. In the night there rushed upon them, as swift and fierce as a whirlwind, a band of Indians, who stampeded every mule. There they were on the prairie with their huge freight wagons loaded with thousands of dollars—hundreds of thousands [worth of goods]. There was nothing but to foot it back to Nebraska City and report to the owner of the train. He laughed when told of the fate of his mules—said “\$40,000 worth of mules gone to the D—l.” He can stand the loss for he’s ever so rich. His wagons are on the prairie yet, roads and weather having prevented any disposal of them.

We can see a mile or more to the east from our house,

and two or three to the west. We often hear trains when they are three or four miles away. The roads are very hard, and there being no timber between, I suppose sounds go farther. It is curious to stand in the door early in the morning or near sunset (for the sounds seem to come farther) and listen to some solitary wagon that sounds as though very near, and finally be rewarded by seeing one come over the hill three miles away, and know that is the one you hear.

EDITORIAL.

The Nebraska State Historical Society presents to the public its new *Quarterly* unheralded and unannounced. For some time its officers have felt the need of some better medium of reaching the people of the State, so as to enlist them in its work, than has been at hand. Heretofore no officer has had the time to devote to such a publication, but, with the creation of the office of librarian, it was felt that the time had come, and the means was at hand, to carry out this long-cherished plan. The Society has hitherto published its proceedings at irregular intervals and hence has been unable to gain the attention of the people of the State to its needs, and to gain their help in forwarding the work of preserving the records of Nebraska's early days. The five volumes of "Records and Proceedings" published in the last few years by the Society have done something to put in form the early history of the State. However many items of the greatest value for the future history of the State are still existing only in the memory of the men who have been its makers. We hope by means of this publication to reach them and to arouse their interest in this work. Many of the features of Nebraska's early life are still unrecorded. The freighting business of early days has not found its historian. An account of the roads of early days is unrecorded. The history of the towns and cities of Nebraska is yet unwritten. These suggestions will call to the minds of early settlers, no doubt, scores of other facts that can only be recorded now while the generation that came here in the 50's is still with us.

In this publication we hope to put into permanent form

the records of Nebraska's making. Biographical sketches of all men and women who have helped to develop its material, social, religious or moral life may well find a place in its pages.

By means of the Quarterly it is also hoped that a larger number of the newspapers of Nebraska may be had for preservation. The Society now has fire-proof vaults and rooms in the basement of the new University library building and would like to have a complete file of every paper published in Nebraska in its rooms. In no other way can the history of the State be so easily preserved. The Society will try to bind and make accessible all papers thus donated to it. It is believed that thus, in a few years, may be built up a bureau of newspapers that will be almost invaluable to the future historian and to the people of the future Nebraska, when its people number 10,000,000 instead of 1,000,000. May we not in this way appeal to every editor in this State for his assistance? Again it is the hope of the Society to gather within its walls every book or pamphlet published that in any way relates to Nebraska. It is also desired to get every book or pamphlet that is published by a citizen or resident of the State, whether relating to the State or not. For the present the Quarterly will contain formal papers read at its annual meetings, editorial notes, and biographical notices. In addition to such matter as the above, important documents and historical notes of a general character will be published from time to time. The people of the State whether members of the Society or not are earnestly requested to furnish the Society with any matter of historical value. Much that now seems of little importance to many will be of the greatest value in the future in order to get a proper understanding of the present condition of the State. Crop records, climatic conditions, economic movements, settlement records, successes or failures in farming in the various sections of the State, should be furnished with the most scrupulous

regard to completeness and accuracy. It is only by means of the accumulations of the past experiences of the people that the future citizen may hope to avoid repeating past experiments and failures. It is hoped that this little Quarterly may do something to help solve a few of the problems of making a state, and developing its civilization.

The Society has thought best to make the price of the Quarterly just enough to cover cost, believing that in this way, it may receive a much wider circulation than it would otherwise have. Single numbers may be had for fifteen cents, and the four numbers of the year, for fifty cents. The secretary and the librarian, who will be responsible for the appearance and value of this publication for the present, will be glad to have suggestions in regard to plan and matter for publication from all those who are interested in preserving the history of Nebraska.

NOTES.

At the close of May, 1894, the Society had in its accession list 7145 titles. Of these 2127 are bound and 5018 pamphlets. It must always be the case with the library of the Society that it will contain more pamphlets than bound volumes, since the library is built up very largely by exchange with other societies. Very little binding will be done by the Society, except of newspapers, because the pamphlets can be put upon the shelves so easily, neatly, and in accessible form by the use of pamphlet holders. Five hundred of these were purchased by the Society last Autumn. They have proved so serviceable that the necessity for binding is almost done away with.

The new and permanent quarters into which the Society was so fortunate as to move last August, comprise nearly the whole of the basement of the Library building of the State University. To speak more exactly, this is what it will comprise when the building is completed; for only a wing is built. This, however, furnishes ample room for the expansion of the collections of the Society for some time to come. The inside measurement of the room is about fifty-one by seventy-five feet, and twenty-eight windows afford plenty of light. A very large vault occupies some of this space. This may be said to be positively fire proof, although the entire room is practically so, for the only wood connected with the structure is in the window casings and the floor. The latter is laid upon several inches of solid cement. To make the best possible use of this room by placing here the records of the State, ought certainly to be the laudable ambition of every wide-awake citizen of Nebraska.

In the next number, a list of the newspapers of the State sent regularly to the Society, will be published. Not a paper that reaches the society rooms, is destroyed. It is believed that the Society can take good care of all papers that may be sent in, and notice is herewith served upon all editors and publishers that the Quarterly is sent as an exchange for papers. It will not only furnish readable material for subscribers to papers, but it will be a very great help to the Society, if the newspapers of Nebraska will make excerpts from the Quarterly and publish them in their columns. Especially it is desirable that the work of the Society be made public, and to that end the following paragraph is inserted.

A brief summary of the work of the Society is as follows:—(1).—The preservation of matter pertaining to the history of Nebraska. This involves the filing away of the newspapers published within our borders, the preservation of books and pamphlets that treat of the history, resources, etc., of our State, and the care of all manuscript articles on state, county, or local history, that people can be induced to write. Just as much of the material relating to the history of the State will be published as the funds of the Society will allow. The last appropriation was far from adequate, but it has been made to go as far as possible, bridging the time that must elapse until relief can be had from our next legislature.

(2).—The collection of relics that relate to our history. Especially it is desirable that Indian relics be gathered, before they become scattered from the State. Much material of this kind now lies in private collections. It is certainly much more desirable that these be in a public and safe place, where they may be seen and studied. If students are to know the history of their own state, the materials for the study of it should be here at the Nebraska State University. The location of the collections

of the Historical Society at the center of the educational system of the State is very fortunate. It should be a greater inducement to citizens to place in the care of the Society valuable relics and historical material.

On the back cover will be found lists of the kinds of material that is being gathered into the Society's rooms for preservation.

Will the newspapers please note the following and mention it: The Society's files of old territorial laws and journals are complete with the following exceptions: *House Journal*, 1st session; *Council Journal*, 6th session; *Council Journal*, 7th session; *Laws*, 11th session. Any one having copies of these numbers and generous enough to be willing to part with them, should address the Librarian of the Society, Box 1531, Lincoln.

From time to time there will appear in the *Quarterly* titles of valuable books which the Society desires to obtain. It is desirable to have in the Society's library not only books pertaining to Nebraska, but also all relating to the West in general. For example, in order to understand the settlement of the West it is necessary to have a number of works on the Indians. Among those that the Society does not have and ought to possess, are Dunbar's and Catlin's works on the Indians.

A very valuable addition to the Archives of the Society would be photographs of all the officers of State and of public men, covering the whole period of the Territory and State. While the accumulation of this material will be slow, there is really no reason why the Society may not eventually complete the collection, if citizens will take hold of the matter in the right way. Any one having photographs of pioneer makers of Nebraska should notify the

Librarian. Copies may be made of rare ones, of which the Society can not otherwise get possession. Officers, ex officers, and pioneers are requested to donate enlarged pictures of themselves, framed, with which to adorn the walls of the Society's rooms.

NECROLOGY.

MOSES M. CONNOR came to Nebraska in 1857, where he resided continuously until about two years since, when he went to reside with his children at Turon, Kansas, where he died January 27, 1894. He was born in Butler County, Ohio, September 29, 1809. He learned carpentry and bridge-building in Cincinnati, Ohio. In 1831 he was married to Miss Anna Staley. In 1849, as bridge-builder and erector of monuments, he accompanied Capt. Walter, sent out by the U. S. Government to establish boundary lines between the United States and Mexico. After this he went into the service of John C. Fremont to cross the plains. In California he resigned and engaged in gold mining on Feather River. While with Fremont he was a great favorite with both the Colonel and Mrs. Fremont, with whom a correspondence was always kept up. He had been a member of the Masonic Fraternity since 1840.

The following biography of S. A. FULTON, one of the charter members of the Nebraska State Historical Society, who died at Marysville, Kansas, April 26, 1893, was furnished by his brother, E. R. Fulton, of that place.

S. A. Fulton was born in Clearfield County, Pennsylvania, June 28, 1840. He received a common school education, one of the teachers in the county district where he attended being Judge Elmer S. Dundy. He worked on the farm where he was born, until twenty years of age, when he began teaching school. For two years he taught a county school, when he enlisted in the army and served nearly four years. After the war he located in Hollidaysburg, Pennsylvania, where he studied law in the office of Hon. B. L. Hewitt, was admitted to the bar, and in 1867

came west and located in Falls City, Nebraska. During his residence in Falls City, he took an active part in politics, represented Richardson County in the state senate one term, and was four years county judge of that county. He was for a number of years the law partner of the late Hon. A. J. Weaver. In 1881 he removed to Hiawatha, Kansas, where he organized the First National Bank. In 1885 he bought a controlling interest in the First National Bank of Marysville, in the same state, and became its president. He held this position and resided in Marysville until his death, April 26, 1893. In September, 1868, he married Annie E. Defebaugh of Williamsburg, Pa., who with six children survives him.

MRS. CHURCH HOWE with her husband, was one of the early settlers in Nebraska. Her maiden name was Augusta C. Bottomly. She was born at Leicester, Worcester County, Massachusetts, June 4, 1842. She and Mr. Howe were married at Worcester, Massachusetts, June 16, 1863. They came west and located in Nemaha County, Nebraska, April 9, 1869, commencing their home on a large tract of land in Bedford Precinct, known as "*Walnut Grove Stock Farm*." This was their continuous home until her death, and there she was buried. Mrs. Howe had been an invalid and patient sufferer for many years. She died January 26, 1894, at Lincoln, Nebraska, where she was under medical treatment. Her life was filled with faith, patience, Christian fidelity, and sublime devotion to those she loved.

The unprecedented funeral attendance of more than a thousand people at her country home, was an evidence of the high esteem in which Mrs. Howe was held by her neighbors and acquaintances. "*Per angusta ad angusta*".

JOHN MCININCH was born in the City of New York, July 29, 1808; died in Nemaha County, Nebraska, January

1804. From New York Mr. McIninch went to Pennsylvania; from there to Ohio where he married Sarah Johnson, April 2d, 1829. From Ohio he came to Missouri; from there to Nebraska, in 1867, where he resided with his son, B. F. McIninch, until his death. He taught school for sixty years. There were eight children born to John McIninch and wife, seven sons and one daughter. The father of John McIninch was a soldier in the war of 1812, and was with Commodore Perry. John was a soldier in the Mexican War. His oldest son served in the Oregon Indian War, and he with four of his sons served in the Union Army during the late rebellion. Two of his sons, William and B. F., have resided in Nemaha County since the year 1857.

JUDGE HIRAM WADSWORTH PARKER died at Beatrice, Nebraska, April 11, 1893. He was born in Oakham, Mass., December 17, 1827. He learned first the tanner's trade with his father. In 1834, with his parents he removed to Athens, Ohio. A few years later the family removed to Chillicothe, Ohio. After this Hiram entered the office of the *Scioto Gazette* at Chillicothe, where he served a regular apprenticeship in the printing business. He then held a position on the *Ancient Metropolis*, at the same place. In 1848, he became connected with the *Ohio State Journal*, Columbus, Ohio. In 1850, Mr. Parker established the *Register* at Ironton, Ohio. He sold out in 1857, and in the Fall of that year, came to Nebraska, landing at Brownville. Here he buried his mother, who had died on a steamboat before reaching that point.

Mr. Parker was a citizen of the fullest public spirit, in all that such a term can imply. He assisted in the organization of the First National Bank of which he was Vice President and Director, and he was also a stockholder and director in the Beatrice National Bank. He was President of the Beatrice Canning Company, and it was

his desire and ambition to see this institution one of the foremost institutions of the kind in the United States. His unbounded faith in it has been the strongest stimulus to its great success. He was also President of the Beatrice Sewer Pipe Company. For a period of nine years he served with distinction on the Beatrice School Board, and was ever one of the most ardent friends of the public school system of the City and State. He has also served with credit and distinction as a member of the City Council for a number of years and also as a member of the Gage County Board of Supervisors. In both of these capacities he was ever regarded as a most influential and valuable member. As a member of the building committee of the Board of Supervisors, his mature business judgment was evident in the construction of the magnificent court house of Gage County. He was also engaged in the lumber business in this City for a number of years, his yards being on the ground now occupied by the Paddock Hotel. He was one of the principal movers and stockholders in the erection of the Masonic Temple of Beatrice and was permanently identified with every enterprise that could in the remotest degree redound to the glory and honor of Beatrice.

Judge Parker was a member of the Masonic and I. O. O. F. fraternities, and was at one time Grand Master of the I. O. O. F. of the State.

Those who knew Judge Parker best, esteemed him most. He was a man of generous impulses and was the incarnation of integrity and sturdy honesty. He despised deceit, treachery and misrepresentation. He was ever aggressive, and a man of stern manly opinions.

He took up his residence seven miles north of Beatrice, and there resided until the spring of 1865. Thence he removed to the southern part of Seward county, and purchasing land, laid out the town of Camden, established a saw mill and made general preparations to establish himself in business. Two years later he had a flouring mill

in operation. This proved a nucleus around which a steadily number of emigrants gathered, and built up their homes. The building of the Burlington & Missouri railroad some six miles north resulted in robbing the city of its pretensions, but its agricultural and water privileges, among the best in the State, received ample recognition, and had the effect of keeping there a class of intelligent and progressive people.

Mr. Parker, upon coming to Nebraska, was at once recognized as a valued addition to its farming and business interests, and as a man eminently qualified to hold responsible positions. In the fall of 1860 he was elected to represent the counties of Gage, Johnson and Clay, in the territorial legislature, and later was elected county judge under the old territorial law. He also served as county clerk and postmaster, besides acting as commissioner of Seward county for a term of three years. In 1871 he was a candidate for the office of secretary of state, but after the first ballot withdrew his name. That same year he was elected as a delegate to the constitutional convention and was also appointed register of the United States land office at Beatrice, which position he held for a period of thirteen years, under the administrations of Grant, Garfield and Arthur.

In 1852, while a resident of Ohio, Mr. Parker was united in marriage with Miss Almira T. Dole, of Portsmouth, Ohio. They passed the first six years of their married life in Ohio. Four children were born to them: Frank H., Louis C., Charles D., and Eddie H.

DAVID BUTLER (1829-1891), first governor of the State and member of the State Historical Society from 1880, was a native of Monroe County, Indiana, where he was born December 15, 1829.¹ He remained on the homestead until he was twenty years of age. There were few schools in the neighborhood in those days, and from these

¹1894 Dec, May 26, 1891.

he derived but little advantage. Much of his early education was acquired by private study after he had attained his majority. When he was twenty-one, he engaged in the cattle business for his father, and was absent in Wisconsin when the latter died. Abandoning the cattle business, he engaged in mercantile pursuits, in which he was quite successful until the panic of 1857, when he lost \$17,000 in one bank alone. This same year he was nominated for state senator on the republican ticket, but declined on account of financial reverses.

In 1858 Mr. Butler came to Nebraska Territory and settled at Pawnee City, where he continued mercantile business and stock-raising. In these he was successful, laying by no small fortune. His political career opens with his election to the territorial legislature as representative, in 1861. In 1866 the republican convention nominated him for first governor of the State, about the time that the legislature framed a constitution and submitted it to the people. "The democrats nominated their foremost leader, J. Sterling Morton. George Francis Train nominated himself, and the three candidates made the prairies of the territory ring with their oratory in the early summer."¹ The votes cast in the election that year, as well as in 1868 and 1870, for Butler, were as follows² :—

CANDIDATES	1866	1868	1870
David Butler.....	4093	8576	11126
J. Sterling Morton.....	3948	....	....
J. K. Porter.....	....	6349	....
John H. Croxton.....	....	....	8648

The period of four years beginning with 1868 was a time of very great activity in Nebraska, politically, agriculturally, and commercially. It was during this period

¹ *Daily State Journal*, May 26, 1891.

² *Report of Secretary of State for 1891, 1892, page 321.*

that the capital was removed from Omaha to Lincoln and the University, Asylum and Penitentiary located at the latter place. "To the tremendous energy of Governor Butler and his great business capacity, was due much of the success of this enterprise of the new State. During his administration, also, the railroad policy of the legislature was shaped, and to his earnest efforts was due the success of railroad enterprises, long before the population and resources of the State offered very great inducements to railroad building. * * * His labors for the material advancement of the new State were incessant. He spared neither time nor money from his own purse in making his campaigns, and for widening public spirit and organizing what little capital there was available. He was the father of the present railroad system of the State. Elected a third time by an increased majority to the Governorship, in spite of the rival ambitions in his party, the governor met for the first time a hostile majority in the legislature. In the face of political and factional hostility, roused by a close and exciting senatorial election, a local jealousy of the aspiring city of Lincoln that he had helped to found, and the prejudice against the third term, the governor was out of his element and was not able to escape the toils. After a long and bitter fight on articles of impeachment, * * * he was finally convicted of a technical violation of law and removed from office. The indignation of the people, however, soon forced a reconsideration of this judgment, and long before the legislature erased from the records by formal resolution the outrage against Butler, the people had acquitted him and given him the place to which he was entitled in the annals of the State.¹

It is intended to have the subject of the impeachment of Governor Butler thoroughly treated in an article devoted to that subject, in the near future.

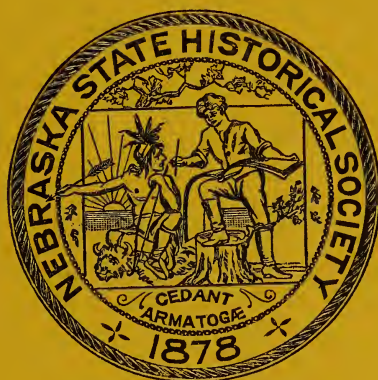
After his retirement from public life, Governor Butler devoted himself mainly to his private pursuits. His home was three and one-half miles west of Pawnee City, where he died May 25, 1891, from heart failure.

NEBRASKA HISTORICAL SOCIETY

PROCEEDINGS AND COLLECTIONS

PUBLISHED QUARTERLY

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PROCEEDINGS AND COLLECTIONS

VOL. I., No. 2

LINCOLN, NEBR., OCTOBER 1, 1894

SECOND SERIES

HISTORICAL PAPERS.

EARLY NEBRASKA CURRENCY AND PER CAPITA CIRCULATION.¹

HENRY W. YATES.

GENTLEMEN OF THE STATE HISTORICAL SOCIETY:—When I received an invitation from your secretary to present a paper to be read at this meeting of your Society, I could think of nothing at the time in my own experience, which could form the proper subject for a historical paper and I so informed him. My residence in Nebraska, it is true, commenced over thirty years ago, but my connection with its life has been in a business way solely. It has, however, occurred to me, that some reference to early banking in Nebraska might be appropriately made the basis for such a paper, and that you would pardon the presentation of some deductions therefrom, which would not be exactly historical, but would be applicable to the financial situation and the financial questions of the present day.

As delegate from Nebraska, I was called upon to deliver

¹ Delivered before the State Historical Society, Wednesday evening, January 10, at Lincoln, Neb.

an address at the World's Congress of Bankers and Financiers, held in Chicago last June. Referring to our early banking enterprises, I used the following words: (p. 519 of Proceedings.) "The history of banking, from peculiar causes, commences with the civil existence of the Territory. The chief occupation of the early legislatures, composed largely of men from Iowa and Missouri—for the population was not at first sufficient to supply its required number of statesmen—was largely capital location and the chartering of paper banks and paper town-site companies. The banking resources of the period were founded upon a basis which still supplies ample capital for the enterprising adventurer—the gullibility of the public. The Territory came into existence at the height of the "wild cat and bob-tailed currency" times and the Nebraska settler who could raise sufficient money to obtain a charter and pay for the printing of his bank notes, had what would be termed in these times a "bonanza." His paper town answered perfectly the requirements of his paper currency, rendering presentation for redemption extremely difficult, as it was not always easy even to find the town in which the supposed bank was located.

The financial panic of 1857 put an end to this business, and the only record I have ever seen referring to the banking of this period is in the comptroller of currency's last report to Congress.

Under the statistics of state banks prior to 1863 I find the following: "Nebraska, 1857, four banks, capital, \$205,000; circulation, \$353,796; deposits, \$125,291. Nebraska, 1858, six banks, capital, \$15,000; circulation, \$41,641; deposits, \$3,673." And with one additional entry in 1859, Nebraska disappears from these bank statistics until 1875. Governor Black, the third territorial governor, in his message of 1859, has this to say of the financial situation: "It is a matter of bitter experience that the people of the Territory have been made to pass through the delusive

day of high times and paper prices, and the consequent dark and gloomy night of low times and no prices. We have had a full share of the financial spasms which for two years have afflicted the great body of the American people. They are gradually passing away, but they will never altogether disappear until the producing causes are removed."

It would doubtless be interesting to learn something in detail of the business practices and operations of these early banks. I have myself no acquaintance with any existing papers or documents which would throw light upon the subject. Although my residence commenced only a few years after the general failure, at that time, 1861, not a vestige remained of any business pertaining to or connected with these banks. A few of their notes were still in circulation, but with the exception of those of two banks, they were all treated as worthless, just as they are today, when a stray one is occasionally presented.

The issue of the two banks referred to were redeemed by persons who had been interested in their circulation, but of these no new bills were being issued, and in fact the banks no longer existed. One bank still remained in Omaha, called the "Omaha and Chicago Bank," but it had no business, and maintained a precarious existence, by paying out bills for the living expenses of its manager—which bills were returned for redemption about as fast as issued—with the possible chance that a few would stray off, and be lost in the hands of their holders.

The archives of your society may contain some relics of these early banks, and I presume the official records of the Territorial legislatures will show the names and numbers of those authorized to do business, as special charters were required in all cases. No banking board was provided or any public official to whom reports were required to be made, and if any reports of the condition were published it was done voluntarily by the bank, and they were doubtless "doctored" for the occasion. I do

not know upon what authority the figures were given which appear in the comptroller's report to which I referred, but no reason exists for doubting their accuracy so far as they go, and they were doubtless taken from some of these published reports. There were, however, many more banks than those named in this report, and the business was not embraced as now in the volume of deposits, but in the volume of circulating notes, which each bank could manage to float upon a confiding public. Sorenson in his "History of Omaha," writing of the panic of 1857, says there were "numerous wildcat banks in the territory at that time. Two or three of these banks were located at Omaha, and one or more at every little village through the river counties."

He mentions as the first banking institution chartered, the "Western Exchange Fire and Marine Insurance Company of Omaha." This bank failed September 23, 1857, and in its schedule of assignment the assets amounted to \$288,083.75, composed mainly of "bills receivable" and "notes discounted." In actual cash it held \$191.03 in specie and \$121 in bills of other insolvent banks. Its liabilities of an equal amount were doubtless mainly embraced in its circulating notes, none of which were ever redeemed. I have recent and excellent authority for the statement that very little was ever collected from these assets—not sufficient, in fact, to pay the expenses of collecting. It is equally certain that a similar result followed the closing up of all the other banks which failed at that time, unless it may be the "Bank of Nebraska"—the notes of which bank were subsequently redeemed by Mr. B. F. Allen of Des Moines, Iowa. Mr. David H. Moffatt, president of the First National Bank of Denver, and one of Colorado's largest millionaires and most prominent citizens was a teller in this bank. Mr. Leroy Tuttle, who subsequently became an assistant treasurer of the United States at Washington, was the cashier of the Western Exchange Fire and Marine Insurance Company, and Mr. A. U. Wy-

man was a teller, who subsequently became the treasurer of the United States, and now is president of the Omaha Loan and Trust Company. Mr. Sorenson notes the fact that among the relics of this last named bank, stored in old dry goods boxes at the time of his writing, were bundles of checks signed by old, well known Nebraskans, and among them the name of J. Sterling Morton, your honored president, and a member of the cabinet of President Cleveland. It is proper to state here that my reference is to the banks which failed. There were two banks which did not fail and whose obligations were all redeemed. The Platte Valley Bank of Nebraska City, owned by Mr. S. F. Nuckolls, and the Bank of Dakota, owned by Kountze Brothers of Omaha.

The four banks mentioned in the comptroller's report had an aggregate circulation of \$353,796. We can safely estimate the circulation of the remaining banks at as much more, and adding to this the wildcat money of other states in circulation, with a small amount of specie and good bank notes, and a total aggregate of \$1,000,000 would be a conservative estimate.

The census of 1855 gave a population of 4,491, but in 1857 this was claimed to have increased to 10,000. Accepting this number as approximately correct, and we have a circulation per capita of \$100. I am assured by Dr. George L. Miller, who lived in Nebraska through all these times, that my figures are low. He thinks the volume of circulation was greater and population less than estimated. The present per capita in the United States is \$25, that of France, which has the largest in the world, is \$40, and that of Great Britain, recognized as the wealthiest nation in the world, is only \$18. These figures in comparison with those of Nebraska in 1857 indicate a remarkable financial condition in the young commonwealth—a fair consideration of which will throw convincing light upon some of the financial propositions of the present time

—which are attracting attention and provoking discussion as live topics for political and legislative action.

According to this theory a large per capita of circulation is required in the advancement of national wealth and progress, and if it should not exist by natural means, through the ordinary channels of supply and demand, the fiat power of government should be exercised to supply the proper quantity. Here in our early Nebraska was a per capita of sufficient dimensions to satisfy all reasonable demands. There exists nothing, however, to indicate a social condition of wealth or luxury among the early settlers. On the contrary we know that many hardships were endured and privations suffered, which would be deemed unendurable among the same classes at this time. Immigration to Nebraska was for the purpose of improving financial conditions, which in most cases had become desperate in their old homes. No one possessing wealth would have thought of emigrating to Nebraska and no gold or silver mines or productive enterprises of any character existed at that time which gave promise of any early returns. A fair subsistence was all that the larger portion of the early settlers could hope to obtain, and even this was by no means always realized.

The money of the period was maintained at least theoretically on a parity with specie, by the promise of redemption in coin, and for this reason is not to be classed with continental currency, French assignats or confederate money which were pure fiat money. Practically the results were the same. These notes supplied an abundance of money, and the world is always ready to embrace a delusion which conveys so much mental satisfaction to the accumulator of such wealth. He really believes his dollars are true ones, and for the time being it is "folly to be wise." The currency was good until the collapse came, which exposed not only the worthlessness of the money, but also the exaggerated values of properties whose frequent transfers the money had facilitated. The country

was as fair as it is now—the soil as productive and climate as favorable, but the conditions which engender real value were absent. No profitable return could be obtained from farming, stock-raising or any other pursuit for which this state is now so pre-eminently well adapted. No market existed for products. A generous harvest meant only a condition in which it would be more profitable to burn corn for fuel than wood or coal, which was frequently done, and stock-raising was even more unpromising. The outside world existed then as it does now, but an impenetrable barrier existed between that world and this virgin soil. For all practical purposes, except the sustenance of its limited population, the country may as well have been a desert. It was only when there was brought to its aid the power of capital—another name for the condensed surplus labor of the world—that these conditions changed. Railroads have supplied the missing links which have made possible the magnificent development of the present. The per capita of circulation has diminished, but the per capita of valuable things has immensely increased. The leaven of imported capital has leavened the loaf until the volume of home capital greatly exceeds the imported. It makes no difference what the per capita of circulation may be—wealth and prosperity can only come from productive resources, and if these do not exist the money will prove as “sounding brass and tinkling cymbals” only.

It requires no elaborate reasoning to show the truth of this statement, aside from its demonstration in the sad experience of the past.

A commodity or thing to operate any of the functions of money must possess value in the estimation of those who so use it. This value may be partly intrinsic in itself, as a useful commodity, or may result entirely from some use given by law or by prevailing confidence and general consent. This confidence may be misplaced and its circulation may arise from a false assumption or conception of

value, just as a counterfeit will circulate or a bank note which will never be redeemed. For the time being, any of these kinds of money will pass from hand to hand, and perform one of the monetary functions, that of "a medium of exchange," equally as well as the best of coins, and if the issue is not excessive, the character of the money may not greatly affect prices. But when men become producers of capital by accumulating a surplus over and above expenses, the test of a good money is applied. Using the terms supplied by Professor Jevons, good money must also be a "storage of value" and a "standard for deferred payments." If the use given by law is abated or the volume issued is in excess of the use the test of value conveyed in these two expressions can not be sustained, and the money immediately sinks to what its real value may be. Whether we like it or not, gold is the only commodity used for money which can fulfill this rigid test, arising from the universal estimation of its value, in which it has been held among all nations from the earliest recorded ages, and in which estimation it continues to be held, and we have every reason to believe will so continue for many ages to come. Other money may be as good as gold, but can only be so when exchangeable for it, and none can be better. Large per capita circulation of a currency which depends for its value upon a temporary legislative sanction and use, or upon a temporary whim of man, can mean nothing as indicative of wealth and prosperity. It supplies a medium of our own invention to serve a temporary purpose of "swapping" with each other, property or commodities, the difference of the exchange forming a species of lottery in which the winners are those who succeed in converting their holdings into something valuable, and the losers as usual the holders of the blanks—in this case the money used.

But it can be further demonstrated that a large per capita of the best money is not of itself an indication of general wealth and prosperity.

1. Should the money largely have accumulated into the hands of a few—say with the Rothchilds, or the Goulds, Vanderbilts and Rockefellers—this would not be considered prosperity.

2. When the circulation seems properly distributed, among all classes of the population—the question of actual ownership must be taken into consideration. If the money is borrowed and the circulation arises from the proceeds of either individual or municipal debt, the element of wealth is still absent in the per capita circulation. We can easily conceive a community possessing large money resources and parting with money to another community which lacks capital in the prosecution of desired enterprises. For the time being the increased per capita would appear in the debtor community and a decreased per capita in that of the creditor, but no one would say that the former was the wealthier community.

3. Still another condition may exist in which the per capita may be large and carry with it no element of national progress and prosperity. There may be social or political influences which impede, if they do not prohibit all business enterprises, and in consequence the money is hoarded and conserves no public good. This is generally the result of wars and financial panics, but will also follow injudicious legislation or defective enforcement of the laws.

This leads us to the final conclusion that a large volume of money of the best quality in general circulation, simply indicates activity in business, just as large bank clearings so indicate, but the currency being sound, the results of this activity in the production of new capital is absolutely assured. Capital cannot be manufactured by law or by personal whims and no amount of fiat money can produce the healthful activity from which capital is evolved. Activity of a kind will be caused by such money but there must inevitably follow the "dark night" of Governor Black and all the labor and time producing the activity will be found to have been expended in vain, and the con-

dition of the community worse than if it had never occurred.

MUNICIPAL GOVERNMENT IN NEBRASKA.

VICTOR ROSEWATER, PH. D.

(Delivered before the State Historical Society Jan. 9, 1894.)

I deem it proper at the outset to define briefly the scope of this paper. Of simple historical narration but little will enter into my exposition of this subject. Instead of going into the incidents and controversies, the factional fights and jealousies which have existed in Nebraska cities from the very beginning of their careers, I propose to omit all allusion to social development or political domination and to confine myself solely to a sketch tracing the growth of that governmental organization to which has been given the administration of local affairs. My paper then, so far as it constitutes history at all, is a history of legislation—an attempt to trace the evolution of our city governments from the comparatively simple machinery of the early days to the complicated system which prevails in cities of the metropolitan class today.

A word too, may be necessary as to the method which I have pursued. The materials have been sought in the constitutions, laws, and statutes of this State. My purpose being, however, as I have just explained, to trace the development of our system of municipal government. I have considered it unnecessary to analyse each and every city charter and the many amendments made thereto because in very many cases, the changes are immaterial for my purposes. It is enough to examine the simplest and

earliest city charters and to follow up the changes relating always to the cities of the highest class. This shows the highest development of municipal government in Nebraska at each successive period of time, although at the same time, the smaller cities may have been administered under statutes belonging, in character at least, to an earlier period.

POWER OF CREATING MUNICIPALITIES.

Municipal government being the creation of a higher or more central government, could not exist in Nebraska until after the territorial organization. The Kansas-Nebraska law in 1854, vested all legislative powers conferred by it in the governor and legislative assembly of the Territory. This, according to legal construction, included the power to grant charters of incorporation to local communities. But, although the first election proclamation of Governor Cuming mentions Omaha City and Brownville among the list of election precincts, and although a later proclamation fixing the judicial districts for the Territory named Omaha City, Bellevue, Nebraska City and Florence as the places where court should be held, yet no true municipal government existed until the legislature at its first session passed an act approved March 2, 1855, incorporating Nebraska City, Omaha City, the territorial capital, remaining unincorporated until two years later.

From the territorial legislature the power to incorporate municipalities passed naturally to the state legislature as its successor. One significant innovation was brought out by the adoption of the constitution of 1866, in that it did away, once and for all time with the pernicious system of granting special charters to cities and commanded the legislature to provide for the organization of cities and incorporated villages by general laws only, requiring it, moreover "to restrict their powers of taxation, assessment, borrowing money, contracting debts and loaning their credit so as to prevent the abuse of such power." This provision,

literally construed was mandatory upon the legislature. Among the legislative purposes enumerated in the call for the special session of the new state legislature in the Spring of 1867, was this: "To provide for the organization of cities and incorporated villages;" but yet nothing was accomplished under this heading until the first general municipal incorporation act became law in 1869.

The constitution of 1875 leaves the power of incorporating municipalities with the state legislature, and substantially re-enacts the clause requiring it to do so by general law. Additional restrictions are placed upon the extent of local powers to be granted, namely that taxation other than special assessments must be uniform with respect to persons and property within the jurisdiction of the body imposing the same; that no municipality be permitted to secure any interest in the stock of any railway or private corporation; that no city be allowed to make donations to promote any internal improvement, unless authorized by a vote of the people, which vote must show two-thirds of the voters in the affirmative, if the donation exceeds ten per cent. of the city's valuation, and must not exceed fifteen per cent. in any event.

EARLY MUNICIPAL CHARTERS.

The territorial and state legislatures have lost no opportunity to take the utmost advantage of these powers vested in them. The first territorial legislature at its first session in 1854-5, passed no less than fifteen special charters for whatever paper cities might have made application for incorporation. These charters were all very similar in character modelled upon the Nebraska City charter, which in turn was most probably copied in all essential particulars from charters of cities in Iowa, from which state most of the earliest territorial laws were derived. They defined the territory subject to municipal government, conferred corporate capacity upon its inhabitants, prescribed the qualifications of voters, vested the

local legislative powers in the mayor and common council comprising three to nine alderman, enumerated the powers of local administration and ordained a frame of governmental offices. The elective officers were the mayor, aldermen, marshal, recorder, treasurer and assessor; each serving terms of one year only. These special charters were amended, modified, consolidated from year to year and new ones added to the list with appalling frequency: fifteen in 1858, nine in 1859. In 1862 the territorial legislature even went so far as to repeal the charter it had granted Fontenelle and to name a board of trustees to wind up its affairs. How many of the charters went unaccepted I have no means of knowing.

GENERAL MUNICIPAL CORPORATION ACTS.

There had been a general law passed as early as 1857, providing for the incorporation of towns under a system of government by trustees and this had been revised and re-enacted in 1864. But up to the attainment of statehood, municipal government in Nebraska had been practically a government under special charters. The first state constitution forbade the continuance of this practice and as a consequence we find municipal corporations divided into two classes and organized under general laws after the session of the legislature in 1869. The first class comprised cities having 3,000 qualified voters as shown by their registration lists, and whenever this should become apparent, the governor was to proclaim the fact, whereupon the city would become subject to the statute relating to cities of the first class. Cities of the second class were to be recruited from incorporated towns that should find themselves possessed of 500 legal voters. The determination, then, of the character of the municipal government was made to rest not upon a particular designation of territory as under the special charters but upon the number of qualified voters. This was soon changed, however, by the laws enacted two years later (1871) which made all

cities having over 15,000 inhabitants cities of the first class, and all having over 1,500 and less than 15,000 cities of the second class. The number of inhabitants was to be certified to the governor by the mayor and council of the city or town, and upon his proclamation the city was to become subject to the act governing the class to which it belonged. The lower limit for cities of the second class was reduced to 500 inhabitants in 1873, and raised again in 1879 to 1,500. In 1881, only cities having over 25,000 inhabitants were to be termed cities of the first class. It is evident that these changes were made solely for the purpose of either including or shutting out particular cities and to that extent were evasions of the constitution against special legislation. The same intent is seen in the act of 1883, creating an extra subdivision known as "cities of the second class having more than 10,000 inhabitants," amended in 1885 to apply to "cities of the second class having more than 5,000 inhabitants." In the latter year the limits for cities of the second class were also made from 1,000 to 25,000 inhabitants. This development was carried a step further two years later by the creation of another extra class designated, "cities of metropolitan class," including cities having over 60,000 inhabitants; the other classifications remaining as cities of the first class (25,000 to 60,000); cities of the second class having over 5,000 inhabitants (5,000 to 25,000); cities of the second class (1,000 to 25,000). This classification was again changed in 1889 as follows: cities of the metropolitan class, (over 80,000); cities of the first class (25,000 to 80,000); cities of the first class having less than 25,000 inhabitants (8,000 to 25,000); cities of the second class (over 1,000).

THE MAYOR.

The corporate capacity of Nebraska municipalities has always been vested jointly in the mayor and city council.

The offices of mayor and members of the council moreover have always been elective.

The mayor is denominated the chief executive officer of the city and conservator of the peace. Under the special charters his term of office was one year. The act of 1869 governing cities of the first class made it two years, but it was shortened to one year in 1871, and remained so in cities of the highest class until 1881, when it again became two years. The mayor at first himself presided over the deliberations of the council and was allowed the casting vote in case of a tie. The general act of 1879 took this power away in favor of a president elected by the council and gave him a limited veto power subject to be overridden by a two-thirds vote of the legal number of councilmen, while that of 1881 extended this veto power to separate items of the appropriation bills.

In addition to this, the mayor was originally a justice of the peace, by virtue of his office, with both civil and criminal jurisdiction over offenses committed within the boundaries of the municipality. His court resembled the old mayor's court of colonial times from which appeal lay to the higher tribunal. The civil jurisdiction was later cut off and in 1869 the court was turned over to an elective police judge, but the mayor was still to act pending his absence or disability. Under the act of 1871, he retained his power to remit fines and grant reprieves and pardons for violations of city ordinances, and the mayor may still remit police court fines in cities of the metropolitan class, subject to regulations to be provided by ordinance of the city council.

THE CITY COUNCIL.

The city council has varied greatly in number and composition. The first charter of Nebraska City provided for three aldermen and that of Omaha City for nine, all elected annually. They were called councilmen in the act of 1869 and were to be elected two from each ward, one

from each ward retiring annually. By the act of 1881, there were still to be twice as many councilmen as wards, but half of them were to be elected at large, the others, one from each ward, the two classes retiring in alternate years. This organization still persists. The council has always had power over its own internal affairs and to provide for deciding contests in the election of its own members. The latter laws also require property qualifications.

THE CITY CLERK.

The early charters provided for an elective recorder to keep the records of the municipal corporation with term corresponding to that of mayor. By an amendment to the Omaha City charter in 1858, he was designated city clerk and made appointive by the council. The act of 1871, made the office again elective; it was made appointive by the council by an amendment in 1877; made elective in 1883; appointive in 1885; elective again in 1891. The city clerkship, it is thus seen, has been made the buffet of legislative deference to charter committees.

The office of comptroller has been the outgrowth of the offices of city clerk and city treasurer, first appearing as an elective office under the name of auditor in 1885, and called comptroller since 1887. The term of this office, as well as the other elective city offices, has constantly corresponded with that of the mayor. The incumbent's main duty comprises the auditing of public accounts.

THE CITY TREASURER.

The treasurer has from the first been an elective officer upon whom has been enjoined the safe keeping of the public moneys.

THE MARSHAL.

Excluding the assessor, in reality a precinct officer, the marshal completes the list of original elective charter officers. Under the first special charters he was not only

conservator of the peace, but also chief executive officer of the mayor's court and at the same time collector of the taxes.

The marshal became the mayor's appointee under the act of 1881 governing cities of the first class and an appointee of the board of fire and police commissioners, with the title, chief of police, under the act of 1887, governing cities of the metropolitan class.

The last named act gave over the entire control of the police and fire departments to the board of fire and police commissioners, consisting of the mayor, as ex-officio member, and four others appointed by the governor for terms of four years, two retiring biennially. This novel tenure and composition of a metropolitan administrative board was adopted to give it a greater independence. Responsible to the governor, a state officer, and chosen from the representatives of at least three political parties, its non-partisan character is still further guarded by the subscription of each member to an oath: "That in making appointments, or considering promotions or removals, he will not be guided or actuated by political motives or influences, but will consider only the interests of the city and the success and effectiveness of said departments." This board has also been given the supervision and granting of liquor licenses, under the state law, a duty that previously rested upon the city council and city clerk. It would be interesting in an excursus to trace the extent of the powers of Nebraska municipalities over the licensing of the liquor traffic, but such deviation would, I fear, unnecessarily prolong my paper.

MINOR CITY OFFICIALS AND BOARDS.

Having hurriedly sketched the development of the original elective charter officers in our municipalities, the subsequent additions to the administrative machinery must be passed with a very brief mention. Other municipal officers beside those already alluded to, have been

elective at different times. The city engineer, beginning with the general act of 1869 until that of 1881; the city solicitor for the brief two years after 1869; the street commissioner from the general act of 1871 to that of 1881—all of which are now appointed by the mayor. A chief of the fire department came into the same category from 1881 to 1887, when he was made responsible to the board of fire and police commissioners.

Recent legislative acts have introduced a complication of administrative boards of variegated composition and tenure. We have the board of public works, with three members, appointed by the mayor, holding each for three years and taking office in different years. We have the board of health, comprising the mayor, chairmen of certain council committees and certain subordinate officials whose duties lie in the line of sanitation. We have the board for the inspection of buildings, comprising certain specified subordinate officials. We have a public library board of nine members appointed by the mayor. And finally we have a board of park commissioners, comprising five members appointed one each year for terms of five years each by a majority of the judges of the district court in which any city of the metropolitan class may happen to be situated. Other offices that may be found necessary may be created and the duties prescribed by ordinance of the city council.

POWERS OF LOCAL ADMINISTRATION.

Into the powers of local administration which have been at different times vested in our municipal government, I shall go but in a general way. It has been the evident intention of the legislature at all times to leave all matters of strictly local moment to the municipal government under restrictions calculated to prevent abuses and to protect both the people and the state government. These powers, roughly speaking, refer first, to providing the requisite ordinances and regulations for the preservation

of the health, safety and good order of the community; and second, to the raising of a revenue necessary to defray the expenses of the government and of the machinery and improvements required for the efficient exercise of these powers.

Under a system of jurisprudence which demands that every municipal government show an expressly delegated authority from the legislature for every act of its officers, the development in Nebraska has been necessarily in two directions. There has been a constant increase in the number of specifically mentioned powers conferred by special charter and general act, and at the same time, a constantly increasing number of minute restrictions and limitations upon the exercise of those powers. Take, for example, the system of special assessments for benefits from local improvements. They were first authorized in Omaha by its charter amendment of 1865, and then only for sidewalks, and in case the property owners failed to construct them when properly notified to do so. An amendment of the following year provided for special assessments "for improvements to any extent" to be levied upon the abutting property, provided, they were demanded by a petition representing two-thirds of the assessed value of the property affected. The details of the system were further evolved in the general acts of 1869 and 1871 and in successive enactments until at present the complicated procedure is authorised for a great number of expressly designated purposes, while the property owner liable to special assessment is hedged about by innumerable safeguards intended to prevent arbitrary action on the part of the city council, and to insure to each the due respect of his property rights. A development, similar in nature, may be discerned in very many of the other powers of municipal government.

CONCLUSION.

In conclusion let me present two or three points which have been suggested by this study.

First, the general form of municipal government in Nebraska has existed unchanged in spite of much experimentation. Corporate capacity has been exercised by the mayor and council assisted by such officers as have been found necessary or desirable. The bicameral council which has found favor in many cities and which has been *tried* in many others has never commended itself to Nebraska legislators, and the one chamber council has thus far sufficed.

Second, with the increasing number of city officers and the increasing complexity of their duties and functions the responsibility of municipal officers has been altered and shifted. The two classes of officers, elective and appointed, have varied in composition, the city clerkship for example, alternating his responsibility between the voters and the city council. Some elective officers, such as the city engineer, have become appointive by the mayor and council. The experiment now making in certain eastern cities of holding the mayor responsible for the efficiency of all the executive departments and vesting in him the entire control over the appointment and dismissal of the departmental heads has as yet made no headway in this state. On the other hand, the desired independence has been sought by dividing responsibility and taking it away from the voters as directly expressed by the ballot and placing it elsewhere. Members of the board in control of the fire and police departments look to the governor for appointment. Members of the board in control of the park system owe their selection to the judges of the district court. Certain members of the board of health owe their places to the president of the city council, others to the mayor and council, while the voters select but four of the executive officers directly. I wish merely to call attention here to the development, not to criticize it.

A third point upon which this sketch has thrown some light is the practical failure of our constitutional inhibition

against special legislation to effect any material reform. While the legislature no longer designated the community to be incorporated by its name or by describing its boundaries, it does substantially the same thing by creating classes and subdivisions of classes based on population intended to include particular cities under the guise of being general in character. Nor has this change abolished the regular biennial applications for charter amendments or the interminable charter tinkering. Its abuse has not gone quite so far as it has in Ohio, which passes general laws relating to cities which had by the last census, say more than 25,300 inhabitants, and less than 25,310 inhabitants, but it has given every influential city a statute affecting itself only.

Incorporation of municipalities by general laws has been an advance over incorporation by special charter in form rather than in substance.

THE SOLDIERS' FREE HOMESTEAD COLONY.

S. C. BASSETT.

The completion of the Union Pacific Railroad in 1869 made desirable for settlement in the young state of Nebraska, millions of acres of tillable land; land covered with highly nutritious grasses; easy of cultivation; of great fertility; abounding with living, running streams of water, and perhaps most necessary of all, underneath, and within easy reach, an inexhaustible supply of purest water for all domestic purposes. The land was practically devoid of

wood or coal for fuel, or timber or stone necessary for building purposes, if the land was to be fully or partially occupied.

Notwithstanding the now known desirable nature of this land for home builders, it was then believed by a very large majority of people of the older states, on the testimony of officers of our regular army, and other persons equally reliable, that outside of the counties bordering the Missouri River, the land was unfit for home-building purposes. A land whose waters were so strongly impregnated with alkali as to be unfit for domestic use; whose surface was sparsely covered with coarse grasses of little or no value; whose soil was practically lacking in all the essential elements of fertility, and whose growing crops were more than likely to perish for lack of timely rains, or from the scorching effects of the chinook winds.

Not only did people of the older states hold firmly to this belief in regard to this land, but citizens of the state of Nebraska living in counties bordering upon the Missouri River were just as strong in the faith that all land in the state fifty miles or more west of the Missouri River was almost worthless for agricultural purposes.

With the completion of the Union Pacific Railway there was created a factor, stronger than all others which had ever before existed, for the settlement and for the development of the resources of the state. To aid in the construction of this railroad the general Government had wisely made a gift of land equal in area to a strip twenty miles in width, the entire length of the road. The land in this state had been surveyed into sections, each one mile square, and in the allotment of lands to this railway company, it was given the odd numbered sections for a distance of twenty miles on each side of the entire length of the road-bed, in the state. The balance of the lands were owned by the government and were at that time open to settlement under the following conditions only, viz: outside the before named railroad limits, a citizen of

the United States might homestead 160 acres of land by living thereon five years, and paying the fees for surveying the same, amounting to \$14.00. He might also preempt 160 acres by living thereon six months and paying at the rate of \$1.25 an acre; within the railroad limits preempted lands were paid for at the rate of \$2.50 per acre, and only 80 acres could be homesteaded, except, that any person honorably discharged from the military or naval services of the Government could homestead within such railroad limits 160 acres.

The land grant from the Government to the Union Pacific Railroad Company amounted in round numbers to 5,000,000 acres in the state of Nebraska. These lands this railroad company was anxious to dispose of and did place on the market on terms more advantageous to the purchaser of limited means, than were even government lands, within the railroad limits under the preemption laws; said preempted land must be paid for within two and a half years after filing on the same, at the rate of \$2.50 per acre, while equally desirable railroad lands were offered for \$3.00 per acre, payable in ten equal annual installments with interest at six per cent on deferred payments. Practically speaking it was at that time impossible for this company to sell its lands, in any considerable quantities, or at more than a mere nominal price, for two reasons; speculators would not purchase because it was generally believed that the lands were almost worthless for agricultural purposes; settlers and home-builders would not buy when adjoining and equally desirable land could be had under the homestead laws for the taking, therefore, the public, and especially the home-seeker and home-builder, must be convinced that these lands were desirable for home-building purposes, and hence it was, that the Union Pacific Railroad Company through its land department, became so important a factor in the settlement and development of our State, and we beheld the unusual occurrence of a powerful, soulless corporation ex-

pending thousands of dollars to inform the people of the world that "Uncle Sam was rich enough to give us all a farm." That the home-seeker and home-builder might, in the young state of Nebraska, have for the taking, a farm of unsurpassed beauty and fertility.

There was, in the judgment of the writer, another very important factor connected with the early and rapid settlement and development of our state, and one which may with propriety be mentioned, as it relates quite closely to the subject here discussed.

This factor has been far reaching in its effects and results, not only in this state, but in other western states, and in the Nation. Reference is made to the soldiers, or veterans as they are now termed, of the war of the Rebellion. At the close of the war in 1865, there were in the Union army one million men, and a large per cent of this number were young men, (boys, very many of them) ranging from eighteen to twenty-four years of age, and unmarried. Their military service had taken them from the restraints of home, they had passed beyond the boundaries of their own town, county and state, and the world henceforth meant more to them than the hamlet wherein they were born and raised. They were innured to hardship and privation, for it was the pride and boast of the soldier to be able to overcome every obstacle which might beset his pathway.

The close of the war threw them on their own resources, and they stood facing the world possessing nothing but stout hearts and willing hands, for there was no money in soldiering. Returning to their homes many of the class of soldiers here named, married and in a few years found themselves burdened with the cares of a young and growing family. They had not the means to buy a home in the already crowded eastern states. Many of them did not care to attempt to build there a home amid stumps and stones and hills, for in their journeys they had beheld lands which, if not more fair were more easily tilled.

They were not afraid to venture beyond the confines of their own county, for had they not once gone forth conquering and to conquer, and returned crowned with laurels? Their eyes were turned with longing to the land beyond the Missouri whose bountiful resources were just beginning to be understood and appreciated, and they only hesitated to make sure that in the locality to which they might journey, it was reasonably certain that homes might be builded. The principal objection to overcome was the prevalent belief that the lands were worthless for cultivation, were the home, and had been for ages, of savages and wild beasts, and that it was not only unwise and imprudent, but cruel and almost inhuman to expose women and children to privations, hardships and dangers incident to settlement amid such surroundings. The most powerful factor to overcome such objections was the selfish interests of a wealthy corporation, having 5,000,000 acres of land, worth at a low estimate \$15,000,000, but upon which they could not realize until actual settlers and home-builders had proven that the lands were valuable for agricultural purposes. Who more likely, in such a case, to venture to persevere, and if possible to succeed, than young home-seekers from the ranks of the Volunteer Soldiers, who in a great emergency, amid privation and suffering had been tried and not found wanting?

In the year 1870, Col. John Thorp, of West Farmington, Ohio, contracted with the land department of the Union Pacific Railroad Company, to locate not less than one hundred settlers on land adjacent to said railroad, and west of Hall county in the state of Nebraska. In the fall of the year of 1870, Col. Thorp, in company with Mr. H. A. Lee and Mr. F. S. Trew, experienced farmers living in Ohio, visited this state and personally inspected the lands in the eastern portion of Buffalo county, and satisfied themselves that they were valuable for farming purposes. Col. Thorp then proceeded to organize what was termed The Soldiers' Free Homestead Colony, fixing the member-

ship fee at \$2.00, which membership entitled the holder to a reduced rate of transportation. This reduced rate of fare was, in fact, the only tangible thing about the organization, and the only right which any member in any manner acquired. At the reduced rate it was \$35.00 from Buffalo, New York, to Gibbon, Nebraska, passenger rates being at that date much higher than at present. The regular passenger rate on the Union Pacific being then seven cents per mile, and it might be mentioned the speed of its trains correspondingly slow, the schedule time of its fastest passenger train "The Overland," being fifteen miles per hour, while the emigrant train, which also carried passengers, was scheduled to run ten miles per hour. By advertisements in the New York Tribune, Toledo Blade, and American Agriculturist, and by correspondence during the winter of 1871-2 a sufficient membership was secured to warrant the attempt to establish the colony, and Wednesday, April 5th, was fixed upon as the date when the members should leave Chicago for their journey westward. Accordingly they came, a single family, two families, and with a possible exception in the Ohio contingent, not in a single instance more than three families from any one locality. The route chosen was the L. S. & M. S. from Buffalo, and the C. R. I. & P. from Chicago to Council Bluffs. Those from the more eastern states met at Buffalo and somehow became acquainted; others joined as the train sped westward, so that when Chicago was reached, the colony was well represented. Council Bluffs was reached on April 6th. When the brakeman announced "Council Bluffs, all out," the colonists began to realize for the first time the extreme newness of the land wherein they were intending to build homes. Alighting from the cars, they found themselves on the bank of the Missouri River, with no depot or other buildings of like nature in sight, and the river to be crossed by means of a large scow, or flat bottomed ferry boat. This ferry boat was quite primitive in construction, and its management even more so, especially

when it is remembered that it was the only means used in transferring passengers and baggage across the Missouri River on the then greatest trans-continental railway in the world. This boat had a single and not at all strong railing around its outside, and was occupied by passengers and teams indiscriminately; the teams embarking at one end, passing entirely around the boat just inside the railing, and disembarking at the same end of the boat as that on which they entered. It was no unusual thing for cattle or hogs while being ferried across in this boat to become frightened and leap into the water and swim safely to shore, if perchance the steep and easily caving banks permitted them to gain the land. This ferry boat had no fixed or permanent landing place, but tied up for traffic to-day in one place, to-morrow in another, as the shifting current, the caving banks, or the strong blowing winds permitted. Occasionally when the winds were unusually strong this boat could not cross at all, but remained tied up until the winds abated. No special effort was made to make the landing place of the boat more easily approachable for foot-passengers or teams; a strong cleated plank approach was thrown from the boat to the top of the bank, the latter from three to six feet higher than the floor of the boat, and passengers and teams embarked and disembarked as best they might. It was a novel and highly interesting sight to the "tender foot" to witness the transfer at this point of the government mail and the baggage of passengers. The mail sacks or trunks, as the case might be, were loaded upon express wagons, capable of safely carrying four or five tons in weight, until it seemed utterly impossible that so heavy, especially top-heavy, a load could be safely driven either up or down the steep approach to or from the ferry boat. Attached to the wagon were four large, sleek, powerful mules, who obeyed their driver as though they were parts of a machine and not living, breathing animals, capable of feeling or fear. These transfers were safely made, but every one seemed

to hold his breath as the loaded wagon descended or ascended the approach to the boat. The central figure, the mysterious, controlling, moving power was, after all, the alert, clear headed and self-contained driver, who when the supreme effort was required, encouraged his team in language more powerful than classical, which immediately produced the desired effect.

The colonists left Omaha at six p. m., April 6th, and arrived at their destination, 182 miles west of Omaha, at noon Friday, April 7th, 1871. It was the intention of the railroad company that a town should be built at this point, and accordingly a side track had been put in and the location named Gibbon. The cars in which the colony journeyed from Omaha, were side-tracked, and a few extra box cars left for the use and convenience of this colony, and in these cars the colonists lived while their own houses were being built, there being families thus living in box cars during the summer and fall of 1871 and also the entire winter of 1871-2. On this same date (April 7th) the trackmen located a box car beside the main line, in which was placed an instrument and an operator and station agent, and at 9:45 p. m. the west-bound "Overland" passenger train made its first regular stop, (and from which passengers alighted) at the established station of Gibbon; letters and other mail from "home" had followed right on the heels of the colonists, addressed Gibbon, Nebraska. This mail the route agent gave into the keeping of the station agent, Mr. James Ogilvie, for distribution, and thus ere the end of the 7th day of April there was established on the wild and unsettled prairie of the state a town of some 150 inhabitants, a railroad station, with agent and operator, and a post-office.

When the cars were side-tracked and it was known that this was the destined place of settlement, the male members of the colony scattered in all directions, as does a covey of quail when startled by the hunter. There never had as yet been a formal or public meeting of the members

of the colony, and no such meeting was held until more than a week after their arrival.

As regards the general appearance of the country at that date, it may be said the Platte valley is at this point about fifteen miles in width. North of the Platte River, and about three miles distant is Wood River, a beautiful stream having steep banks and sufficient water to furnish power for milling purposes. On the south bank of Wood River was located the village of Gibbon. On the banks of both these streams there had once been considerable timber, but the larger trees had been converted into ties and used in building the railroad, and all the balance of the timber had been cut for wood, also for the use of the railroad, many of its engines at that time being wood burners. No rain and but little snow, had fallen since the previous August, and just previous to the arrival of the colony, on April 2d, a fierce prairie fire had swept over the whole country leaving it burned and black, and quivering in the bright sunlight, having anything but a pleasing appearance. With no house, tree, shrub, or other object to relieve the monotony of the scene it created in the beholder the same feeling as is experienced when one is upon the waters of the mighty deep with no land in sight. Over this black, dry, treeless, and seemingly endless prairie, the colonists tramped, digging into the earth to ascertain the depth and quality of the soil, and plying with questions an occasional "rancher" (stockman) as to the prospects of here making a living by tilling the soil, and were invariably assured that the land was "no good" except for "stock purposes." But it was noticed that at each ranch there was a small crib of well developed, thoroughly ripe corn, and in their cellars were potatoes and other vegetables in abundance. On Saturday morning, April 8th, one member of the colony boarded the first east-bound train and returned to his eastern home; later he returned and took up a homestead upon which he still resides. A few days later another started east and did

come back; on Sunday, April 9, as by common consent, the members gathered at a pile of lumber unloaded from the cars, temporary seats were arranged and religious services were held, being conducted by Rev. J. N. Allen, one of the members. The day was warm and pleasant until 2 p. m., when the wind suddenly shifted to the north, snow began to fall, and ere nightfall one of those fierce storms, sometimes called a blizzard, was raging in all its fury, and continued so to do for two nights and two days. There was nothing to help break the full force of the wind, and in a short time huge drifts were formed about the colonists' cars nearly as high as the cars themselves. Snow was also driven into the cars, around the door and window-casings and ventilators, so that everything was covered with snow, and all clothing more or less wet from the melting snow. No provision had been made for an emergency of this kind. All cooking had been done around fires built upon the ground, and the only stoves were six small wood burners, one in each end of the three passenger coaches. One stove from each passenger coach was removed to a box car, and around these six small stoves the women and children gathered. Fortunately there was an abundance of dry cord wood about sixty rods distant, belonging to the railroad company, and with this the stoves were kept well supplied. This storm, situated as were the members of the colony, composed in part of delicate women and many small children, with railroad traffic abandoned, and with only a very limited supply of provisions, was really at the time a very serious affair, and it was feared by those interested that it would prevent the establishment of the colony, but such proved not be the case. After the storm, investigation by the members still went forward as to the character of the climate, the prevalence of such storms as the one just experienced, and more especially as to the productiveness of the soil.

On Saturday, April 15th, was held the first formal meet-

ing of the members of the colony. The meeting was held at the lumber pile before mentioned, and it was there learned that eighty families were represented, coming from fourteen states, as follows: Ohio, 22; New York, 17; Pennsylvania, 13; Vermont, 7; Massachusetts, 5; Michigan, 5; Indiana, 3; New Hampshire, 2; Delaware, 1; West Virginia, 1; Illinois, 1; Wisconsin, 1; Arkansas, 1; Mississippi, 1; later arrivals increased the membership to 129, viz: Ohio, 36; Pennsylvania, 25; New York, 22; Massachusetts, 9; New Hampshire, 8; Vermont, 9; Michigan, 7; Indiana, 4; Delaware, 1; West Virginia, 1; Illinois, 1; Wisconsin, 3; Arkansas, 1; Mississippi, 1; Utah, 1. At this meeting three propositions were submitted and unanimously adopted; first, that the members of the colony would stay; second, that in the choice of location of homesteads as many numbers should be placed in a hat as there were families represented; the person drawing number "1" to have first choice, number "2" to have second choice, and so on, and that a member making a choice by lot should have the first opportunity to make entry of the same at the government land office. Third, that it was the expressed wish of the members of the colony that no saloon for the sale of intoxicating liquors should ever be licensed in the village of Gibbon, and this wish thus expressed in April, 1871, has for twenty-three years been faithfully carried out.

As regards the choice of homesteads it was generally believed that there was no choice as regards quality of land, therefore the choice of location was determined largely by the distance from the proposed village of Gibbon, and while few or no entries were made before the land was viewed, yet almost without an exception was entry made of the choice by lot.

The average age of the men was about 27 years, of whom 84 were married, making 209 adult members of the colony. Eighty of the men had been soldiers in the union army. With the filing on homesteads began the work of

home-building. The colonists as a rule had very limited means, a few without a dollar. Houses were builded according to the means of the builder, pride or ambition having little or nothing to do with the kind of material used, or the size or general appearance of the habitation. A few built "dug outs," a hole in the ground, whose chief recommendation was that little or no money was required for its construction, and that it was easily kept warm in the winter. Some builded of sod a house which, while not a thing of beauty or a joy forever, yet one which has played so important and necessary a part in the early settlement of Nebraska that no citizen of the state be he high or low, rich or poor, learned or unlearned, need ever be ashamed, but rather proud that at some time in his younger days the place he called "home" was within the unpretentious walls of "a little, low, sod shanty on a claim." A majority of the houses were of lumber, 12x16, and 8 feet high, the sides of boards and battened, the furniture a stove, three chairs, a table and bedstead, all but the stove perhaps, home-made. Two, three, and four neighbors occasionally owned one team (oxen), one wagon, and one plow. Of course the home-builder had everything to buy, and at prices by no means moderate. Ordinary lumber and dimension stuff, \$35.00 to \$40.00 per thousand—the cheapest cooking stove \$25.00, a wood-bottomed chair \$1.00, a twelve-inch breaking plow \$32.00, a good work horse \$150.00 to \$200.00, a yoke of oxen \$150.00 to \$250.00, milch cows \$50.00 to \$60.00, a four weeks old pig \$5.00, flour \$10.00 per barrel, corn meal \$2.00 per hundred, potatoes \$1.00 per bushel. Within the first year after the settlement of the colony eight school districts were created, and as many school houses erected, each school house being about 22x32 feet, and 12 feet high, and cost, including furniture about \$1,600. They were built larger than were needed for school purposes, and were used for all public gatherings.

There was, for years, much adverse criticism in regard

to the right or justice of issuing bonds to build so large and expensive school houses, but results have proven that it was an eminently wise and proper thing to do.

Here were whole neighborhoods of people, new comers in a strange land and strangers to each other, living in houses so small and amid such surroundings as tended to the almost complete isolation of each family. The comfort, happiness and prosperity of mankind demands that there be public gatherings of the people, hence the necessity, propriety and justice of erecting at public expense comfortable buildings of sufficient size to answer the purpose of school houses, church and public hall.

At the annual school meeting in one of these districts (School District No. 8, in Buffalo County), held in April 1872, it was voted that all necessary books, paper, ink, slates, etc., for the use of the scholars in such school district should be furnished by the district and such supplies have been continuously furnished by such district from that date to the present time, perchance being the origin in this state of that wise provision of law (lately enacted) whereby all school districts are required to furnish text books for the use of their pupils.

There was at that date great scarcity of fuel as the coal mines of Wyoming and Colorado had as yet been only slightly developed, and these colonists depended largely for fuel upon wood hauled from the Loup river, twenty miles or more away. In summer the trip was not without its pleasant features, but in winter it was never undertaken without dread, as after leaving the Platte valley there was not a single habitation.

In the winter several neighbors went together, starting at midnight and with ox teams, reaching the Loup about day break. While the teams rested, the wagons were loaded with cottonwood logs, occasionally with oak, and the return journey began as soon as possible and if all went well they arrived home sometime in the night of the second day. Quite often it was necessary to make camp in order

to set a tire, repair a break-down, or because the night was too dark to drive. On such occasions the settler wrapped his not plenty and quite thin blankets around him, and lying down on the hard frozen ground, hoped and prayed, if he did not dream, of a time when hauling wood from the Loup, and cottonwood at that, should be a thing of the past.

In the year 1872, a large brick court house, costing \$20,000 was built at Gibbon, the brick for the same being burned at that point, with wood hauled from the Loup river. A neat and commodious brick church was also erected at the same date as the court house.

In 1873 a flouring mill was erected on the banks of Wood river, and was of almost incalculable benefit to the early settlers, not only in its immediate vicinity, but it was no unusual thing for settlers living beyond the Republican river in the state of Kansas, one hundred miles or more distant to come to this mill, driving ox teams in order to change their wheat and corn into flour and meal.

About this date a traveling railroad circus pitched its tent near by and people came in prairie schooners fifty, seventy-five and even one hundred miles in order to enjoy again what, perhaps, might be termed one of the refining influences of civilization.

In April, 1873, occurred one of the most furious and destructive storms which has swept over central Nebraska since any attempt has been made to keep a record of such occurrences. The spring had been quite early and already considerable plowing had been done and wheat sown. Sunday, April the fourteenth, was warm and pleasant, the sun shining brightly, a gentle breeze blowing from the south, but about four o'clock p. m. the wind in an instant shifted into the north bringing such clouds of dust and dirt and later hail and snow, as to cause darkness to cover at once the land like unto night. At that season of the year cattle were allowed to run at large and

so sudden and furious was the storm that in most instances it was impossible to corral such cattle and they drifted with the storm and perished, most of them in the waters of the Platte river. About the only stock which members of the colony saved were those tied up at home and very many of these it was necessary to take into the houses or cellars in order to preserve their lives. Prairie chickens, quail and even deer and antelope perished in the storm. From four p. m. of April 14th to the going down of the sun on the 17th this storm of wind and snow raged without ceasing. Of the members of the colony no lives were lost, but the loss of stock was very heavy. The grasshopper raids of 1874-76 caused many of the colonists to leave and return to their former homes; lands in that vicinity ceased to have value, would not sell for the cost price of the improvements, but when this scourge had departed, when the rains had descended and all Nature smiled, most of the backsliders again returned to their Nebraska homes. It is not my purpose, neither have I the time to follow the fortunes of this colony or its members further than to say that not one of the number was ever an inmate of a poor house, or convicted of crime. Without exception all who are now living in the county are in comfortable circumstances. At this date, January 1st, 1894, of the original colony representing one hundred and twenty-nine families, twenty of the men and seventeen of the women are dead, seventeen still reside upon the original homesteads taken by them, and fifty-eight still reside within the limits of the county.

The following are the names of heads of families located in Buffalo county, in the immediate vicinity of Gibbon, prior to the location of this colony, viz:

Thomas K. Wood, Wm. Nutter, George Stearley, E. Oliver, James Oliver, Joseph Owens, Roger Hayes, Patrick Walsh, and Henry Dugdale.

The following are the names of heads of families, of

the Soldiers' Free Homestead Colony, so far as it is possible to obtain them from memory:

Rev. J. N. Allen, D. P. Ashburn, S. C. Ayer, Mrs. Lois M. Ayer, B. Austin, V. Armbus, S. C. Bassett, B. C. Bassett, F. F. Blanchard, F. D. Boardman, J. M. Bayley, J. Booth, J. Bushong, C. E. Brayton, I. Bunker, Wm. Brady, A. Barrett, Geo. W. Brown, Senaca Brown, J. S. Chamberlain, M. Chamberlain, Mary Clifton, Wm. Craven, C. O. Childs, Andrew Craig, D. P. Crable, D. Davis, P. T. Davis, John Darby, U. A. Day, H. J. Dunkin, Henry Fieldgrove, Asa Fawcett, Henry Fairchild, Kingman Fisher, E. M. Fargo, John Forrest, George Gilmore, A. F. Gibson, Mrs. Ann Glenville, L. D. George, John Grabach, H. C. Green, Wm. Gray, Marcelius Gray, James Garfield, — Glass, Dr. I. P. George, Harry Goss, N. C. George, John Gagin, O. C. Hancock, Frank Howe, L. S. Hough, Robert Hicks, T. J. Hubbard, M. Hubbard, S. F. Henninger, John Irwine, J. E. Judd, Wm. Jackson, W. H. Kelly, W. F. Kinney, C. Kilgore, H. C. Knight, A. Kennedy, Theodore Knox, J. E. Kelsey, I. D. LaBarre, H. A. Lee, C. Love, S. B. Lowell, John Loyd, E. Loveall, John Lucas, Wm. McKinley, V. T. Mercer, W. F. McClure, S. Mattice, C. Monks, J. H. Mills, H. McMonegal, Col. H. D. Niles, Thomas Mundle, Mrs. E. P. McCraney, M. Northrup, J. Oviatt, James Ogilvie, C. Putnam, J. Putnam, Wm. Patterson, Mrs. E. A. Pember, L. Plum, H. P. Rogers, C. T. Silvernail, G. H. Silvernail, John Silvernail, J. P. Smith, I. Starbuck, Geo. N. Smith, B. F. Sammons, Sereno Smith, S. V. Seeley, John Stearns, N. W. Short, W. J. Steven, W. H. Sprague, Col John Thorp, O. E. Thompson, S. R. Traut, F. S. Trew, W. P. Trew, M. Thomas, T. D. Thatcher, A. Washburn, Oscar Washburn, James Wilkie, J. W. Wiggins, Aaron Ward, A. G. H. White, R. Waters, R. E. L. Willard, L. Worthington, D. B. Worley, Levi West, A. D. George, T. J. Fisher, W. W. Gibson.

THE EFFECT OF EARLY LEGISLATION UPON THE COURTS OF NEBRASKA.

T. M. MARQUETT.

The effect that legislation has upon courts is always a fruitful subject. This is made more interesting by the fact that we go back to that era of our country's history when the great questions before the people were those that affected the fundamental principles upon which our government rests. We are carried back to the period when the organization of the territories of Nebraska and Kansas was passed; to an era where the principles enunciated in the Declaration of Independence were attacked and defended. The Act itself became a law at the end of perhaps the most protracted and exciting debate that ever took place in Congress. It was an upheaval, or I might say, reversal of the policy of the United States from the day of its existence as a government up to that time. As it was afterwards interpreted by the supreme court in the celebrated case of Dred Scott vs. Sanford, up to that period, all laws and the constitution had been construed in favor of freedom as against slavery. Slavery had been looked upon as purely local, whilst everything National was freedom. And the principle that freedom was National, and slavery local had been the established policy of the United States up to that time. In the act itself, while it gave the territory the right to make laws, it threw around the people no safeguards in the making of these laws, and the act itself was only remarkable for the stump speech it contained, which read as follows:

It is "the true intent and meaning of this act not to legislate slavery into any Territory or State, nor to exclude it therefrom, but to leave the people thereof perfectly free to form and regulate their domestic institutions in their own way."

Like most other stump speeches it was capable of two meanings, and the two meanings were put upon it at once. One was that during the existence of the territory you might legislate against slavery, and legislate the territory to be free; the other construction was that the territory could not legislate upon the subject at all; the slave owner had a right to take his slave there as he saw fit, and in spite of the organic law make the territories slave territories, and that the only time that the people had a right to say whether it should be free or slave, was when they came to form a constitution for a state to be admitted into the Union.

The organic act threw no protection around the people from arbitrary acts of the legislature such as now hedges in our legislature by our admirable constitution, for instance a law could be enacted in this way, and this was the way the first criminal code was enacted:

"Be it enacted by the council and house of representatives of the Territory of Nebraska:

Sec. 1. That the fourth part of the Code of Iowa, beginning on page 349 as published in the authorized publication of said Code, as far as applicable and not inconsistent with the laws of this Territory, be and the same is hereby declared in full force and effect in this Territory. That it shall be the duty of the person or persons who superintend the publication and indexing of the laws of the Territory passed at this session, to number the sections in said Criminal Code consecutively through the same, beginning at No. 1."

This was passed March 15th, 1855. March 13th, 1857, we see an act of this kind passed: that the act entitled an act adopting certain parts of the Code of Iowa, approved March 16th, 1855, and also an act entitled an act relative

to criminal laws, approved March 15th, 1855, be and the same is hereby repealed. This left the Territory without any criminal code. Being repealed without a saving clause it virtually released every criminal that had not been tried in the Territory, and perhaps that was the object. It was said at the time by some that the intention was to let loose a man by the name of Hargus, and it had that effect. Hargus was convicted of murder, or manslaughter, and in this way he was relieved from the penalty. The court convicted him, the legislature released him.

The Territory had no criminal code from this time on, until October, 1858, and during that period Judge Lynch was the principal officer that administered justice as far as crimes were concerned.

In the Hargus case the late O. P. Mason first brought himself prominently before the public as the manager of that celebrated case. I remember him as he was then. Young, and impassioned, and capable of any extreme in argument, he was wont to reach out and gather in the sympathy of the by-standers. It was said that he one time objected to a question propounded to a witness by an attorney on the opposite side; and when asked to state his objection—it appearing that the question was asked by Judge Kinney, who then had been appointed as Chief Justice of Utah,—Mason said: “If that is the kind of questions of law by which he, Kinney, proposes to free this criminal, no wonder Franklin Pierce banished him beyond the snow-capped mountains of Utah.” The judge promptly decided the case, and said the objection was a good one, but was not the law. This decision was made by Black, who afterward became governor, a generous, brave man, and I hope you will excuse me, if I step aside to mention a single instance in his life that came under my observation.

In the winter of 1860, a few of us, I believe all belonging to the Republican party, we were called by our oppo-

nents Black Republicans, had a banquet, and while it was going on, Governor Black and his private secretary came in upon us, and we invited them to partake. His private secretary, doubtless to compliment Black, gave the following toast, "Here is to Black, without the Republican." We drank to it. Immediately Senator Paddock arose to his feet and gave a counter-toast, "Here is to Republican, without the Black." That was drunk, and I remember at the end of the feast of shaking hands with Governor Black as he said, "I am pleased with the rebuke that was given to my secretary, we are all Americans." I realized fully the purport of what he said when in one year after the incident he resigned his office as Governor, went back to his former home at Pittsburgh, Penn., raised a regiment of men and proffered his services to Abraham Lincoln in the great cause of preserving this Union. And a little over one year from that date, in what was known as the seven days' battle before Richmond, in front ranks, amid the hurtling storm of war, he gave his life to his country. Well had he won this the proudest title among men, "*An American Citizen.*"

Pardon me for going outside my subject to lay this tribute upon his grave.

The session of the legislature that met in December, 1857, passed a code of civil procedure; but this code was not published till some time in the following summer of 1858. The panic, the worst probably that the United States was ever visited with, unless it be the present one, came upon us in the fall of 1857, just before the meeting of the legislature. The legislature held till the latter part of January and adjourned. The code that was adopted was not published until some time in the summer, but in the mean while the merchants along the river, in Plattsmouth and elsewhere, had become large debtors, and found themselves unable to pay; in fact everybody in Nebraska, and all the creditors outside of Nebraska sent their claims at once to be sued. I, myself, just commenc-

ing in practice then, found myself deluged with suits of creditors suing for their debts in Nebraska. I commenced during the winter and early spring of 1858, my recollection is, some seventy-five suits. A firm by the name of Elbert & Townsend, rivals of mine, commenced probably the same number of suits. We commenced them with the understanding that our code of practice was like Iowa's, requiring what was known as an original notice instead of a summons. The original notice could be served by any person; a summons required to be served by the sheriff or an officer. It turned out, however, that all of the suits that were commenced, were commenced wrong, and they commenced making motions to quash my summonses, and I made counter motions to quash their summonses. That would virtually end the case until a new service was made, and the first term of court that I attended in Plattsmouth, the principal work of the judge was to quash the summonses on each side; quashing some 100 to 150 summonses. The only consolation that I had in having my summonses quashed, was that the other attorneys fared no better. We tried to make an agreement to stop the havoc; but failed to do so. There was but one suit that survived the wreck and ruin of a lawyer's hopes, and that was where the party without taking exceptions to the summons, appeared and filed an answer. His answer was unique. The suit was on a promissory note. He admitted its execution, admitted the note was all right; but plead that his client did not have a dollar, and was not liable ever to have a dollar to pay it, and therefore it was useless, and only making expense for the court and county to bring suit upon it and asked for a judgment. The court decided that his answer coming after a summons, came too soon; he ought to bring in a plea after the execution issued, and it would in that case be an effective plea.

During the session of 1858, the first law to regulate the sale of vinous, malt and spirituous liquors was introduced

into the territorial legislature. It was virtually a license law, and prohibited the sale except a man first had a license. The law was pushed forward; it passed one of the houses and was on its third reading, and about ready for passage in the other house, when the bill was stolen from the clerk by a member, said to be saloon-keeper. This bill was brought up late in the session, and it was said the member ran off with it and went over into Missouri, so that the sergeant-at-arms could not reach him, so that he could not be called back. The introducer of the bill did not like to be beaten in this way, so 'he got a printed copy, which had the following probably typographical error. It gave a justice of the peace jurisdiction and said that if anyone arrested should be found guilty of selling any liquor without a license, the justice should render judgment, and pay a fine not less than five nor more than one hundred dollars. The bill was read by its title, rules suspended, passed both houses, received the signature of the governor, and became a law; but it was one of the license laws that was never enforced on account of the provision that required the justice to fine himself instead of the man that was guilty.

You will find by looking over the early journals of the two houses of Nebraska, the legislative bodies, that the legislature in those days divided the honor with the courts of granting divorces. In those days a man could get a divorce from his wife, or the wife from her husband, by legislative enactment, and you will find innumerable bills introduced; many of them granted. It was less strain on the conscience at that time to get a divorce from the legislature, but probably worse on the pocket book. The granting of divorces is properly a judicial question, and the granting of them by the legislature was a blow at the judiciary, besides being the worst and meanest kind of class legislation.

The present code of civil procedure was adopted in 1858. It is virtually what is known as the Ohio code. Of

the committee that framed it, the late Hon. O. P. Mason was chairman. There was a contest before the committee between the New York code and the Ohio code, and the committee stood two to two. The committee besides myself, stood two for each code, and I cast the deciding vote, and the code that we now have, with but very few amendments, is the code that was adopted on the 1st of November, 1858, though there have been many important amendments which affect vitally the rights of humanity since that period. When that was passed, the competency of witnesses was determined by the following section: "Section 310. Every human being of sufficient capacity to understand the obligation of an oath, is a competent witness in all cases both civil and criminal, except as hereinafter declared; but an Indian, a Negro or mulatto or black person shall not be allowed to give testimony in any cause."

"Again, a person who has a direct certain legal interest in a suit, is not a competent witness, unless called for that purpose by the opposite party."

At this time, I objected to these provisions, especially to that portion which made incompetent a mulatto, no matter how much of a white man or how little of a Negro he was, he was incompetent; but I was overruled. Some of them going so far as to say they proposed to have no mulatto or Negro in Nebraska, and were in favor of advocating a law prohibiting them from immigrating into the territory, and it was reported in that shape and passed. The effect on the courts of the provision which made parties incompetent witnesses in their own cases may be illustrated by a noted case reported, entitled, I think, Bonnell vs. Gilpin. The case arose in this wise: A tailor makes a coat and sells it to a party who pays for it and gets a receipt; the tailor again sues for the coat; the party has lost his receipt, and as he is unable to find it, the tailor collects his bill a second time. The man afterward finds his receipt; but the case is adjudicated.

I can further illustrate this by a case of my own. I think it was in 1858, a man came to me to get me to sue for a trespass. His neighbor's hogs had trespassed upon him, got into his corn field and destroyed a lot of corn. When I came to examine the case, I found out he could prove the destruction of the corn, or that some corn had been destroyed, but was unable to prove its value, so I advised him not to sue. But in the meanwhile the hogs that did the damage, had been set upon by dogs, or rather the dogs had been set upon the hogs, and the man that owned them believed that my client had done that, and he sued him for the hogs. But it turned out that it was not my client's dogs that killed the hogs, and the attorney on the other side found himself short of evidence to show that my client did the damage. In the meanwhile, when my client was sued, I brought in as an offset the destruction of the corn, and when the case was being heard, both sides found themselves without evidence to prove the amount of damage done. The law was that either side could call upon the opposite party, and so the other attorney called my client upon the stand, and he admitted that he had set the dogs on the hogs. That opened the way for me to prove my case, and I proved the value of the corn destroyed, and the jury gave me a verdict for \$3.00. You can see the difficulty under which this system operated, and in the legislature, myself with other lawyers, commenced an attack upon it at an early day, and it was changed.

The provision that made all Negroes and mulattoes incompetent witnesses in any case was founded on a then deep-seated prejudice against the race, race prejudice. We will speak of this later.

You will find by examining the journals of both houses of the Territorial legislature, that a large portion of the bills of the legislature consisted in granting special charters for towns and building bridges across streams, running ferry boats across the Missouri and Platte, and so on.

In those days class legislation had its full sway, and the great battle was against legislation of that kind. To illustrate, that kind of legislation has been entirely done away with, and corporations can only organize under the general laws. The same law that governs one governs all of the same class. A charter that governs a city of the first-class, must govern all cities of the first-class. A charter that governs a village must govern all of the thousands of villages in the State of Nebraska. So that a construction by the courts of the rights of one village under its charter determines the rights of the many thousands that are in the State; but under the old regime where each had a separate and distinct charter; the decision or the construction by the court of one, would be no criterion of what the decision would be in another.

Most of this change from class to general legislation has its beneficial effect upon the courts and upon the community. A single decision determines the rights of all of the similar corporations, and upon that proposition the lawyer knows how to advise his client, and a single case makes peace for a thousand others. In those days, special privileges to the few were the order; to-day no special privileges are granted. The law under which one railroad is inaugurated, is the law for all other railroads, and under that law any five persons, no matter who they are, can organize a railroad; so with all other corporations. But in those days, class legislation was not confined to things; it pertained to a person likewise.

In order to test the question whether it was the law that a man could own and hold slaves in Nebraska, in 1859, your speaker introduced a bill to abolish and prohibit slavery in Nebraska.¹ This bill was immediately followed by one introduced, entitled "A Bill for an Act to Prevent Free Negroes or mulattoes from Settling or Residing in the Territory at all." If a mulatto was a

¹ On the subject of Slavery in the Territory of Nebraska, see *Neb. State Hist. Soc. Transactions and Reports*, II., 68, 92-108; V., 72-73, 188-189. [Ed.]

slave under that bill he had a right to live in Nebraska, the Negro as a slave, the master had a right to bring here; but no free Negro or mulatto should be allowed to live in the Territory. That bill was referred to the special committee, of which your speaker was the tail end, and I brought in a minority report upon it, and what I then said sounds strange. That bill was introduced, recollect, December 16th, 1859. This was over thirty-four years ago. Among other things in my report I said: "It is proposed by this act to drive mulattoes, no matter how near a white man they may be, out of this Territory. This bill goes further, and declares to these Negroes and mulattoes that if they dare live here for ninety days, that they are criminal, and sir, what is their crime? Is it a crime to breath the air of Heaven? Why not crown the climax of folly and enact that it is a crime to be born a Negro, and they commit a crime in daring to live at all on God's bright and beautiful earth? Certainly the mover of this bill under consideration can claim no credit for originality, for the bill largely was taken from the slave driver's bill introduced in the legislature of some of the slave holding states. Gentlemen cannot be in earnest in passing a bill which subjects a colored person to fine and imprisonment merely because he is so unfortunate as to be a Negro and on Nebraska soil. To pass this bill would be to pander to the vitiated prejudices of those whose highest and holiest ambition is to perpetuate human slavery. We see here when a proposition is made to make the soil of Nebraska free, it is followed by one to persecute the few Negroes that may be so unfortunate as to be here." This prejudice had its effect. At that time the Negroes and mulattoes had no rights in court from the fact that none of their race, no matter how white they may have been, could be witnesses in any case. Their rights in court could only be determined by what some white man might swear to. Thirty-two years ago the rights of the colored race in court rested alone upon the white race.

The law was afterward amended and made the following persons incompetent: "Indians and Negroes who appeared incapable of receiving just impressions of facts respecting which they are examined upon or relating, either intelligently or truly." Under this law, under my own observation I knew of no case; but I heard of one which will do to illustrate its workings, which was said to have happened in Southern Illinois. A man was arrested for stealing a hog from his neighbor. The only witness was a half-witted Negro, who lived with him at the time of the theft; but had left him, and probably had told of the fact of the theft, and they had the man arrested. The Negro being the only witness that knew of the occurrence, when sworn, the counsel for the accused objected that under the law he was not a competent witness, and then came the examination on the voir dire. The Negro was asked, Do you know what an oath is? No sir. Do you know what the penalty is for swearing falsely? No sir. Do you know anything about the nature of an oath? No sir. Do you know what you are here for? No sir.

On these questions the attorney objected and the judge asked him, Do you know anything about this case, and the Negro's reply was again, No sir; all I know anything about is that John Gwyer stold a hog, took him home, cut his throat, put him in a kettle of hot water, scalded the hair off of him, hung him up to cool, then cut him to pieces and we all ate him; that is all I know; but the Negro's evidence was not taken, and the white man was cleared. My own belief is that he told the truth; and my experience is, according to the old adage, that children when let alone, and fools, always tell the truth.

The rule that measures the truthfulness of words that fall from human lips simply by the intelligence is a false one and is only less obnoxious than the rule that measured truthfulness by the color of skin or whether there is wool or hair upon the head of the witness.

We have referred to the evil by which for purposes of

releasing criminals the entire criminal code was repealed.

We have pointed out the evils of hasty legislation or bad legislation which enacted that the code might take effect before it was published or anyone knew anything about it and that it estopped and thwarted anything the courts might do.

We have referred to early class legislation that would make the courts almost abortive by depriving their decisions of being any precedent in innumerable cases, and making abortive that principle that all men are presumed to know the law.

We have referred to the class legislation that shut the portals of truth on account of color and want of intelligence for all of which the remedy has been applied, and it consists in a written Constitution which so limits legislation that all such legislation cannot now taken place.

One word upon National class legislation connected with our Territory.

The legislation that gave us the Fugitive Slave Law, wherein the Judge or Commissioner was paid \$10.00 for sending a slave back into slavery, and \$5.00 if he made him a free man, where the whole North was made a posse to catch the fleeing slave and denied the right to give him a crust of bread, together with the enactments of the organization of the territories of Nebraska and Kansas, wherein the safe-guards of liberty were stricken down, followed by the dictates of the supreme court in the Dred Scott decision, was the culmination, the acme of class legislation.

These acts were in war with the Declaration of Independence, and a leading senator of the times, Pettit of Indiana, doubtless drawing his inspiration from them, was heard to say that the Declaration of Independence was a self-evident lie.

The legislation itself was bad but would not have been so bad had not the prejudice of the high partisan feeling carried a judge of the highest court in the land, so that

he formulated a dicta sustaining the principle that the Declaration of Independence was untrue.

This dicta was no part of the decision of the court and no special attack was made upon the decision of the court which simply decided that Dred Scott under the laws of Missouri was a slave and not a citizen, and therefore could not sue in the courts of the United States; but the attack Seward and Lincoln made, was upon the dicta that went outside the case, and assumed that the Constitution protected slavery, that it was National and not local, and that all the Territories were slave and not free.

The decision of the court was respected; the dicta was denounced. What I mean by dicta is that which is said outside of what it is necessary to decide: the reasoning of the judge that makes the decision.

One of the supreme judges of the United States asked the question: "Do you agree always to what the party who makes the decision says in the decision?" and he said, "No, if we did there would be no decisions made. We agree upon what the decision shall be, and then allow the man that makes it to give his own reasons."

I recollect once of hearing a remark regarding one of Ohio's distinguished jurists, that he never failed to make a right decision, and never failed to give a wrong reason for it.

The Dred Scott decision should not have occupied more than five lines of printed matter, nor did it; the dicta covers fifty-six pages of closely printed matter, made for political effect, and whilst by the unwritten laws of America the American people are bound to respect the decision of this, the highest court, they had a right to criticise in a manly way the political dicta that went with it.

A preacher who was once brought to task by his parishioners for wandering away from his subject, excused himself by saying that his parishioners were wandering away

from what was right, and he wandered after them. So it is when a judge from the highest court known to law, in a moment when the prejudice of an hour rules to a large extent, fails to stop with the decision he is asked to make, and wanders out into the labyrinth of politics. He must expect that politicians will go after him and attack and do away with his political dicta; a salutary lesson to judges that they must not do two things at once, decide a case and in the reasons they give for the decision argue all manner of politics outside.

In my judgment there are a few fundamental principles which makes our government the most stable and the best upon earth. These fundamental principles are embodied in the written Constitution of the United States and its amendments and in the State Constitution.

Power, which is always ambitious and intolerant, finds itself by the Constitution of the United States shorn of its arbitrary intolerance; it is only delegated authority, and in turn the legislatures of the states find all arbitrary power taken from them by national and state constitutions. These same constitutions make the three departments of the government entirely distinct and independent of one another, each a check upon the other.

Going still further, these written constitutions make innumerable local governments, such as Counties, Cities, Precincts, School Districts, etc., and each of these local governments carries with it an independence, so that burdens can only be placed upon them by their own vote. So each of these smaller governments revolving in its special sphere, carrying with it so much of the power of the state, and also the fundamental principle that the government should rest (even that of the smallest body) on the consent of the governed.

These written Constitutions of which I speak might be termed legislative enactments by the people themselves.

This is absolutely true as far as states are concerned. The people through these written Constitutions have

deprived the parties they put in office from exercising any arbitrary power whatever.

Sovereignty which means the right to exercise supreme power, in our country has no meaning unless it be found in that constitutional provision that guarantees to all the equal protection of the laws.

In proof of what I say, we need only to refer you to our sister republic, Brazil, now struggling in the throes of a rebellion. The question seems to be, which is the most popular, the present incumbent or Mello; no great principles of government seem to be involved, or in any way add strength to the government. We might further refer to our sister Republic, Mexico, which within my memory has been overthrown five times, by military power by one man alone, Santa Anna. The Mexican people respect only the government itself, and that government is the parties that are administering it. On the other hand, our government is our written constitution. The overthrow of an administration has no effect. Even the assassination of our President scarcely creates a ripple. In Mexico the administration is everything; with us, the administration shorn of all arbitrary power is powerless to disturb the people, only so far as policies and finance are concerned. The one listens for the beat of drum and the military power of the men to overthrow it; it depends largely on the strength of the persons who are in control. Our government, resting upon well defined principles, and not upon men, is like Milton's angel "Vital in every part; cannot but by annihilating die."

Methinks if anyone well conversant with the history of the last forty years, would retire to some cell, where he could divest himself of the prejudices of the hour, and abstract from these events the true philosophy of history, he would doubtless write that the meaning of the struggle, that ended in the amendments to our constitution, simply meant the placing there of the fundamental principles of government enunciated in our Declaration of Independ-

ence; that the government was endangered, its life threatened by the insidious undermining of these principles; that the government was restored to life strengthened by their vindication. He might go further and take a retrospective view, and say that the insidious power that attempted to make such history forty years ago, is at work to-day in a different form, under different auspices, but it is the same deadly enemy.

As forty years ago, the enemies made their direct attack upon the Declaration of Independence, so now the direct attack is made upon the constitutional amendments, which embody the great idea of that Declaration, and claim that the government which simply gives or aims to give, equal protection to its citizens, does not go far enough; that government must not only protect, but it must become business machine and become competitor in many respects of its citizens in business relations. It comes in the guise of paternalism, which is another name by which they desire this government to return to class legislation. The paternalism of the people may be relied upon to again stamp out this heresy, and the great principle of equal protection of the laws for all will again come out triumphant. If it is said that we have laws which do not give equal protection to our citizens, then the remedy is not in fighting the constitution, which aims to give this equal protection; but to repeal the law that prevents it. It is a legitimate battle, legitimately made by anyone who claims that any law favors one class as against another, to see that that law is repealed. But it is un-American to aim to do away with the great fundamental principle which aims to give equal protection to all. It is one thing to repeal unjust laws, it is another to jeopardize the great fundamental principles which make our government the best and most durable on earth.

NOTES.

The following is a list of the newspapers of the State that are sent regularly to the State Historical Society, to be filed away daily or weekly or monthly, as the case may be, and finally to be bound and put on the shelves as a part of the permanent record of the State:—

ADAMS COUNTY.

Hastings Daily Nebraskan, Hastings.
Hastings Weekly Nebraskan, Hastings.

ANTELOPE COUNTY.

Antelope Tribune, Neligh.¹

BANNER COUNTY.

Banner County News, Harrisburg.

BOX BUTTE COUNTY.

Hemingford Guide, Hemingford.
Pioneer Grip, Alliance.

BURT COUNTY.

Weekly Burtonian, Tekamah.

CASS COUNTY.

Plattsmouth Weekly Journal, Plattsmouth.

DAKOTA COUNTY.

North Nebraska Eagle, Dakota City.

DAWES COUNTY.

Dawes County Journal, Chadron.

¹ "M"—Monthly, "D"—Daily, etc. Unless otherwise marked, the papers are weekly.

DODGE COUNTY.

Fremont Daily Herald, Fremont.
Fremont Weekly Herald, Fremont.
Fremont Daily Tribune, Fremont.
Fremont Tri-weekly Tribune, Fremont.

DOUGLAS COUNTY.

Knights' Jewel, Omaha. [M]
Omaha Daily Bee, Omaha.
Omaha Druggist, Omaha. [M]
Omaha Excelsior, Omaha.
Pokrok Zapadu, Omaha.
Shorthand World, Omaha.
Sovereign Visitor, Omaha. [M]
South Omaha Daily Drivers' Journal, South Omaha.

FILLMORE COUNTY.

Geneva Republican-Journal, Geneva. [Semi-M.]

GAGE COUNTY.

Beatrice Weekly Express, Beatrice.
Gage County Democrat, Beatrice.

HALL COUNTY.

Grand Island Semi-weekly Independent, Grand Island.
Pukwana, [M]

HOLT COUNTY.

Atkinson Graphic, Atkinson.

JOHNSON COUNTY.

Tecumseh Chieftain, Tecumseh.

LANCASTER COUNTY.

Courier, Lincoln.
Daily Nebraska State Journal, Lincoln.
Dutesche Westen, Lincoln.
Frei Presse, Lincoln.
Hesperian, Lincoln. [M]

Journal of Education, Lincoln. [M]
Lincoln Daily Call, Lincoln.
Lincoln Evening News, Lincoln.
Nebraska Farmer, Lincoln. [Bi-w]
Nebraska Staats Anzeiger, Lincoln.
Nebraska State Democrat, Lincoln.
Semi-weekly Nebraska State Journal, Lincoln.
Wealth Makers, Lincoln.
Weekly Nebraskan, Lincoln.

MERRICK COUNTY.

Central City Courier, Central City.

MADISON COUNTY.

Madison Chronicle, Madison.
Madison County Reporter.

NUCKOLLS COUNTY.

Nuckolls County Herald, Nelson.

OTOE COUNTY.

Nebraska City News, Nebraska City.
Nebraska City Press.

PAWNEE COUNTY.

Pawnee Press, Pawnee City.

RICHARDSON COUNTY

Falls City Journal, Falls City.
Humboldt Standard, Humboldt.
Pioneer Record, Verdon, [Q]
Verdon Vidette, Verdon.

THAYER COUNTY

Hebron Journal, Hebron.
Hebron Register.

WASHINGTON COUNTY.

Blair Courier, Blair.
Blair Pilot.

YORK COUNTY.

Nebraska Bee-Keeper, York.

The annual meeting of the State Historical Society will occur on the evenings of January 15th and 16th, in the chapel of the State University. It has been thus arranged for the convenience of the citizens from outside the capital city, who may wish to attend the two evening programs of this Society, and also the gatherings of the State Horticultural Society, which occur during the forenoons and afternoons of the 15th, 16th and 17th of January. Several papers will be read on subjects of interest to the people of Nebraska:—Judge E. Wakeley, of Omaha, *Reminiscences of the Third Judicial District, 1857-1861*; Prof. J. N. Johnson, Lincoln, *Memorial of L. B. W. Shryock*; Moses H Sydenham, Kearney, *Traffic Across the Plains in 1856* Gen. L. W. Colby, Beatrice, *Some unwritten Phases of the Sioux Indian War*; the Librarian of the Society, on the *Ponca Indians*. The President of the Society, Hon. J. Sterling Morton, Secretary of Agriculture of the United States, will preside. His annual address will be about "*The Pioneer Populists and their Finance in the Territory of Nebraska in 1855, 1856 and 1857, and the results; a parallel between past and present Fallacies*. Ever one interested will be welcomed.

Special mention should be made of the unselfish devotion of Mr. W. H. Woods to the work of collecting material. Since the Society came into possession of their permanent quarters, kindly offered by the University, Mr. Woods has sent to the Society two boxes of relics, books, and pamphlets, and in addition has been constant in sending clippings that relate to the annals of Washington County. Such clippings as relate to the history of the State in any way are very welcome. They will be pasted

upon heavy manilla paper and placed in pamphlet holders, thus being classified under the name of some county of the State, or under some general subject. It may happen sometimes that there is among the archives of the Society both the clipping and a file of the same papers whence it was taken; but that only assures more ready access to the material. Friends of the Society and those interested in the history of the State can help to build up this department of state work by sending to the librarian from time to time such articles as bear on local history in any way. During 1894 contributions have been made in one way or another to the collections of the Society, by the following: C. B. Aitchison, Council Bluffs; H. W. Yates, Omaha; S. C. Bassett, Gibbon; Miss L. G. Green, Lincoln; Del Gardner, Lincoln; D. D. Forsythe, Gothenburg; Vandewall and Vail, Blair; Geo. F. Parker, U. S. Consul to Birmingham, Eng.; M. M. Warner, Dakota City; C. E. Bessey, Lincoln; P. J. Barron, Lincoln; Jared Smith, St. Louis; W. H. P. Buchanan. Besides these is a long list of those who have donated books for the library. Mention will be made of these later.

It was an eminently suitable name for native Nebraskans that came before the Territorial Pioneer Settlers' Association for discussion, and the adoption of it by that body is the best introduction it could have had, perhaps, to the people of the State. "*Tree Planters*" is certainly a worthy name for those whose native State gave Arbor Day to the world. Tree Planters let it be, because that means something in the history of Nebraska. Every paper in the State should indorse it and publish it in every township.

Some notice of Mr. F. Ball, of Palmyra, member of this Society, is due for the labor and time he has spent on the

preparation for the Society of a very large amount of manuscript material. As most of what he has sent in pertains to the history of other states, much of it can not be printed in the Quarterly. Owing to the length of the program at the last meeting, 1894, time was not left for the reading of any of these manuscripts. Some of them relate to New England and Pennsylvania history, some to Iowa, and a little to Indian stories. Some of it will be printed in the forthcoming numbers of the Quarterly.

The following is a list of bound volumes of newspapers that are now in the possession of the State Historical Society. These are not all the old papers that are at the rooms; for there are still a very large number of files of papers to be arranged for the binder. In the course of time, all these volumes will find their way to the case containing the bound newspapers.

ADAMS COUNTY.

Hastings D. Nebraskan, Aug., '93—June, '94. 2 Vols.

Hastings W. Nebraskan, Sept., '91—Dec., '93. 2 Vols.

CASS COUNTY.

Plattsmouth D. Herald, Sept., '91—Dec., '92. 3 Vols.

Plattsmouth W. Herald, Sept., '91—Dec., '92. 1 Vol.

Plattsmouth D. Journal, Sept., '91—Nov., '93. 5 Vols.

Our Work, Vol. 1, Weeping Water, '88.

COLFAX COUNTY.

Nova Doba, Schuyler, '92.

Schuyler Sun, '83—'86. 3 Vols.

DAWES COUNTY.

Dawes County Journal, Apr., '92—Dec., '93. 1 Vol.

DODGE COUNTY.

Fremont D. Herald, Sept., '91—June, '94. 7 Vols.

- Fremont W. Herald*, Sept., '91—Dec., '92. 1 Vol.
Fremont D. Tribune, Aug., '91—June, '94. 6 Vols.
Fremont Semi-W. and Tri-W. Tribune, Aug., '91—Dec., '92. 1 Vol.
Fremont Tri-W. Tribune, Jan., '93—June, '94. 2 Vols.

DOUGLAS COUNTY.

- Omaha Evening Public*, Sept.—Nov., '92. 1 Vol.
Omaha Excelsior, Sept., '91—Dec., '93. 2 Vols.
Omaha D. Bee, 1st Q., '92. 1 Vol.
Western Magazine, Vols. I and II. Omaha, '77, '78. 2 Vols.

GAGE COUNTY.

- Beatrice D. Times*, July., '92—Dec., '93. 3 Vols.
Beatrice W. Express, Sept., '91—Dec., '92. 1 Vol.
Nebraska Teacher, Vol. II. Beatrice, '73.

HALL COUNTY.

- Grand Island D. Independent*, Nov., '91—Dec., '93. 3 Vols.

HAMILTON COUNTY.

- Marquette Independent*, '84—'85. 3 Vols.

JOHNSON COUNTY.

- Tecumseh Chieftain*, Sept., '91—Dec., '92. 1 Vol.

LANCASTER COUNTY.

- Daily Nebraska State Journal*, Jan.—Sept., '94. 3 Vols.
 " " " " 1st Q., '89. 1 Vol.
Farmers Alliance, Sept., '90—June, '92. 1 Vol.
Alliance Independent, June, '92—July, '94. 2 Vols.
Lincoln Daily Call, Oct., '90—June, '94. 14 Vols.
Lincoln Evening News, April, '92—June, '94. 9 Vols.
Nebraska State Democrat, Sept., '91—Dec., '93. 2 Vols.
Nebraska Farmer, March, '92—June, '94. 3 Vols.
Nebraska Staats Anzeiger, Sept., '91—Dec., '93. 2 Vols.

Northwestern Journal of Education, Vols. I. and II.,
'90—'92. 2 Vols.

MERRICK COUNTY.

Central City Courier, April, '92—Dec., '93. 2 Vols.

MADISON COUNTY.

Madison Chronicle, '92—'93. 1 Vol.

Madison County Reporter, '92—'93. 2 Vols.

OTOE COUNTY.

Nebraska City D. Press, Sept., '93—June, '94. 2 Vols.

RICHARDSON COUNTY

Verdon Vidette, '92—'93. 1 Vol.

SEWARD COUNTY

Blue Valley Record, Dec., '70—March, '73. 1 Vol.
Loaned by the editor, Capt. Culver.

WASHINGTON COUNTY.

Blair Pilot, Dec., '89—Dec. '91. 1 Vol. Incomplete.

Blair Pilot, '92—'93. 1 Vol.

Blair Courier, July, '91—Dec., '92. 1 Vol.

PAPERS FROM OUTSIDE THE STATE.

National Era, Vols. I. to XVI. Many numbers missing.

Washington, D. C., '47—'60. Bound in 7 Vols.

New York W. Tribune (Greeley). Vols. I. to III., '41
to '44. 3 Vols.

New York Semi-W. Tribune, '48—'50. 1 Vol.

Pacific City Enterprise (now Pacific Junction, Iowa).
Vol. I., '57—'58. 1 Vol.

Philobiblion, Vols. I. and II. New York, '62—'63.

List of Historical Societies of the United States and Canada that exchange publications with the Nebraska State Historical Society.

CALIFORNIA.

Society of California Pioneers. San Francisco.
Historical Society of Southern California. Los Angeles.
Geographical Society of the Pacific. San Francisco.
California Historical Society. San Francisco.

CONNECTICUT.

Connecticut Historical Society. Hartford.
New Haven Colony Historical Society. New Haven.
Fairfield County Historical Society. Bridgeport.

GEORGIA.

Georgia Historical Society. Savannah.

ILLINOIS.

American Antiquarian and Oriental Journal. Chicago.
Chicago Historical Society. Chicago.
Illinois State Historical Society. Springfield.

INDIANA.

Indiana Historical Society. Indianapolis.

IOWA.

Iowa State Historical Society. Iowa City.
Historical Department of Iowa. Des Moines.

KANSAS.

Kansas State Historical Society. Topeka.

LOUISIANA.

Louisiana Historical Society. New Orleans.

MAINE.

Bangor Historical Society. Bangor.
Maine Historical Society. Portland.

MARYLAND.

Maryland Historical Society. Baltimore.

MASSACHUSETTS.

American Congregational Association. Boston.
Boston Memorial Association. Boston.

Danvers Historical Society. Danvers.
Dedham Historical Society. Dedham.
Essex Institute. Salem.
Hyde Park Historical Society. Hyde Park.
Massachusetts Historical Society. Boston.
New England Historic-Genealogical Society. Boston.
Old Residents' Historical Association. Lowell.
Pilgrim Society. Plymouth.
Pocumtuck Valley Memorial Association. Deerfield.
Weymouth Historical Society. Weymouth.
Worcester Society of Antiquity. Worcester.

MICHIGAN.

Michigan Pioneer and Historical Society. Lansing.

MINNESOTA.

Minnesota Historical Society. St. Paul.

MISSOURI.

Missouri Academy of Sciences. St. Louis.
Missouri Historical Society. St. Louis.

NEW HAMPSHIRE.

New Hampshire Historical Society. Concord.

NEW JERSEY.

New Jersey Historical Society. Newark.

NEW MEXICO.

New Mexico Historical Society. Sante Fe.

NEW YORK.

American Geographical Society. New York.
American Numismatic and Archæological Society.
New York.
Buffalo Historical Society. Buffalo.
Chautauqua Society of History and Natural Sciences.
Jamestown.
Genesee County Pioneer Association. Batavia.
Johnstown Historical Society. Johnstown.
Livingston County Historical Society. Nunda.
Long Island Historical Society. Brooklyn.
Oneida Historical Society. Utica.
Rochester Historical Society. Rochester.
Thegnet Society of America. New York.

(To be Continued.)

Nebraska State Historical Society.

THIS department of the public work of the State was established by an act of the Legislature of 1883. Its headquarters are on the ground floor of the State University LIBRARY BUILDING, where its collections are kept. Into its fire-proof rooms is being gathered everything that relates to the history of Nebraska. As a matter of public record, for the use of all citizens of the State, the following kinds of material are sought, and anyone interested in the history of Nebraska will place the Society under great obligations by helping to bring things to the Society rooms.

1.—Original diaries, letters, manuscripts (or copies of these), papers and pamphlets, relating to the early settlement of Nebraska.

2.—Maps and plats of cities, towns, counties, and special sections of the country, together with exact dates and circumstances connected with the founding, location, or removal of any of these.

3.—Biographies of the early settlers, and of prominent people in the State, with photographs of the same.

4.—All the old files of papers possible to secure, especially the territorial newspapers. The Society will, in due time, bind all these that come into its possession, and place them where they may be referred to at any time.

5.—Histories and narratives of Nebraska regiments and companies in the Civil War and in the Indian Wars; and personal narratives.

6.—All books, pamphlets, speeches, catalogues of schools, etc., published in the State or relating to it.

7.—Photographs of men, women, public buildings, cities and towns, and Nebraska scenery. Everything of the kind that can be had.

8.—Relics of all kinds: Indian implements, fire-arms, garments, and things representative of the life of the various tribes that have lived in the State. Remains of prehistoric tribes, such as have been found in the State: pottery, etc. Fire-arms and relics of the Civil War.

9.—Besides books, pamphlets and relics that relate to the State, the Society is adding to its collection of colonial documents and papers. It is desired to collect here, for the use of the students of the State, all old papers, books, etc., relating to the history of the United States. Some very old papers have already been donated, and doubtless many citizens of the State have something to give.

Among the papers already in possession of the Society are three or four of the first files of Horace Greeley's *Weekly Tribune*, of 1841—1845. There has also been commenced a collection of old text-books, and anyone having such published before the war, and willing to send them to the Society, is requested to send word to the Librarian.

Those having large collections or valuable articles of historic value, which they do not want to part with for any reason, may place their collections at the Society rooms where they will be safe from fire, water, or theft, removable at the option of the owner.

It seems especially desirable that the State Historical Society rooms should be headquarters for the collection of G. A. R. relics, and to that end, old soldiers are cordially invited to use as large a part of the rooms of the Society as they need.

THE STATE HISTORICAL SOCIETY QUARTERLY.

WITH the summer of 1894, began the issue of historical material in the form of a quarterly magazine. From 1885 to 1893, five volumes of "*Transactions and Reports*" were issued, and very many complete sets of these have been distributed over the State. Henceforth, the Library Committee has decided, no more will be given away. It is desired to exchange the remaining volumes for such valuable historical works as the Society does not yet possess, or for Indian and other relics. Those very much desiring copies of Vols. I. to V., can get them in either of two ways: by exchanging books or newspaper files for them, or by purchase at the following prices. Vols. I. and II., \$0.50; Vol. III., \$1.00; Vols. IV. and V., \$0.75.

In this new form, by which the Society hopes to reach the people of the State more readily, will be published as much of the history of Nebraska as the appropriations will allow. Chroniclers of the annals of cities, towns, counties, and special localities will please to correspond freely with the Librarian of the Society, and voluntarily write down and send in articles, or data in any convenient form, on all such subjects as the following: *Freighting, Overland Travel before 1868, Indian Tribes, Indian Chiefs, or noted warriors, Special Settlements, Founding of Academies and Colleges, Indian Wars, Local Incidents of historic value, Civil War history, Authentic explanations of names of cities, rivers, counties, etc.*

Office and Collections at Library Building, State University, Lincoln, Neb.

Post Office Address, box 1531.

NEBRASKA HISTORICAL SOCIETY

PROCEEDINGS AND COLLECTIONS

PUBLISHED QUARTERLY

Vol I., No 3 Second Series January, 1896



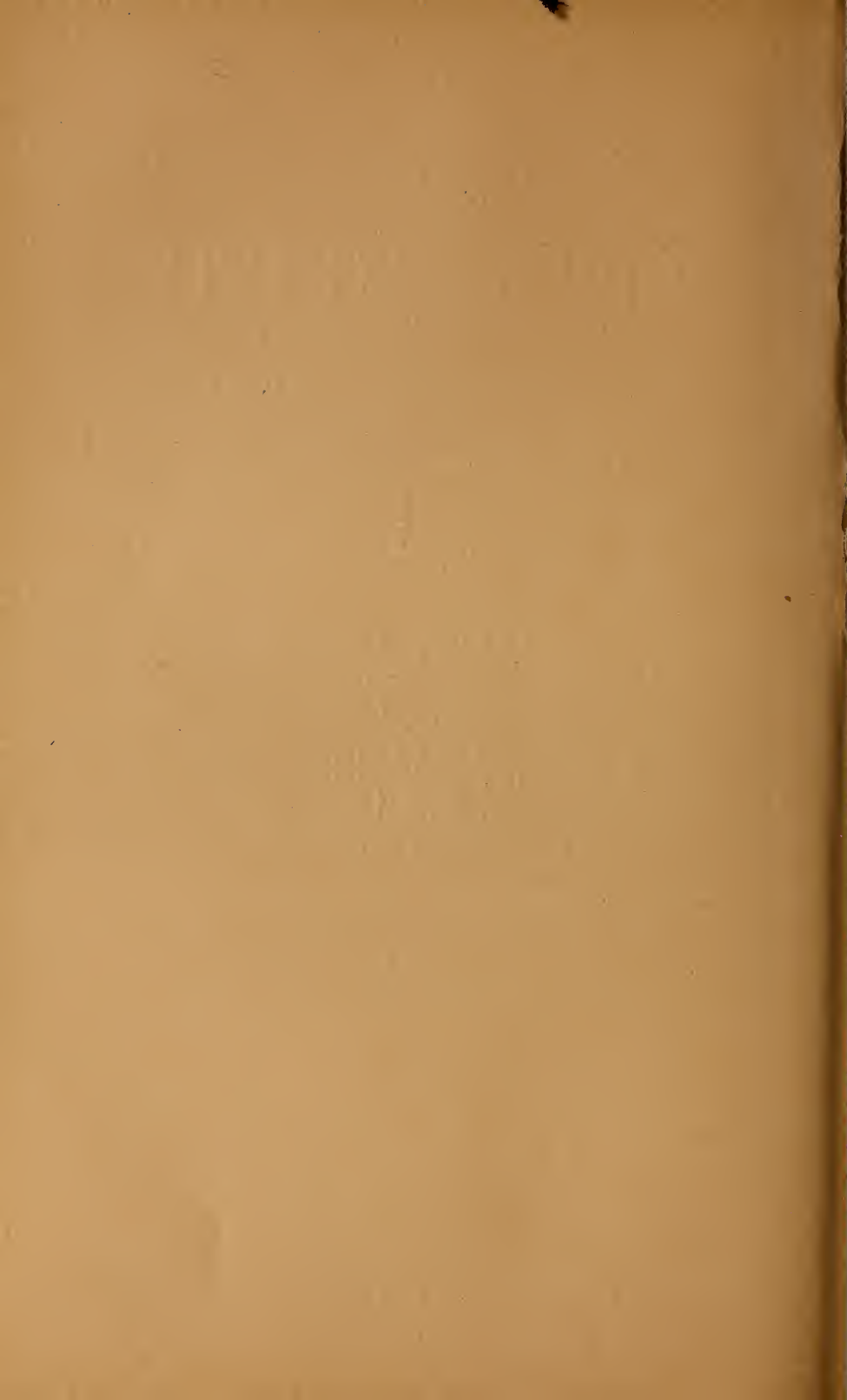
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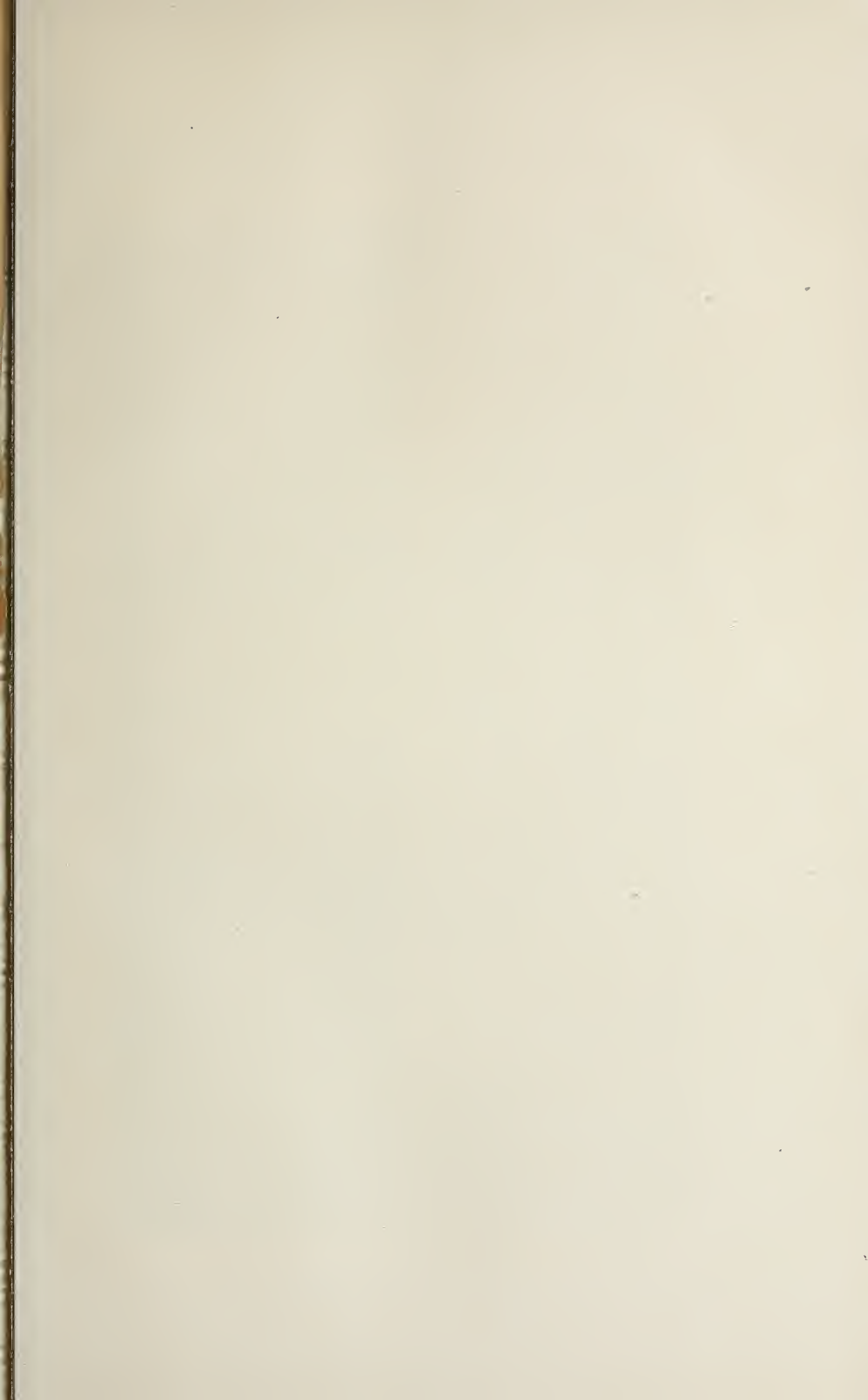
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Reminiscences of the Third Judicial District, 1857-61	-	-	-	-	-	E. Wakeley
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NECROLOGY: Rev. John M. Taggart, 1817-87

NOTES







PROCEEDINGS AND COLLECTIONS

—OF THE—

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PROCEEDINGS AND COLLECTIONS.

VOL. I., No. 3

LINCOLN, NEBR., JANUARY 1, 1895

SECOND SERIES

HISTORICAL PAPERS.

WANAGI OLOWAN KIN.

(THE GHOST SONGS OF THE DAKOTAS.)

BY GENERAL L. W. COLBY.

The spiritual chants, or "ghost songs," were an important part of the religious ceremonies incident to the coming of the Indian Christ. They seem to have sprung spontaneously from the fervor and suffering of the occasion, joined to the inherited superstitions and passions of a race still standing in the early dawn of its civilization. The terrible ending of what is popularly termed the "Messiah Craze," in the wanton murders and cruel massacres of hundreds of unoffending people, has passed into history as one of the stains upon the national honor of the United States. But the weird songs and dances, the prophetic trances and visions, the faith, the patient anguish and the passionate supplications to the Great Spirit of

NOTE.—The "Ghost Dance of the Shoshones," of which a photograph is reproduced for the frontispiece, illustrates Genl. Colby's statements. A full explanation of the time and place of the photograph is given later in the *Notes*.

this heroic people are worthy of the careful study of the humanitarian and ethnologist.

The expected advent of an Indian Messiah has been among the legends or traditions of nearly all of the great families of North American Indians since their contact with civilized races. The failure of certain natural products in the years of 1889 and 1890, upon which many of the tribes were accustomed to depend for subsistence, the general drouth in the north and west of the United States with its attendant consequences, and also the neglect on the part of the Government to furnish the customary supplies, aided in the revival of the tradition and in suggesting to the Indian mind the desirability of the presence of the Great Medicine Man of the North, who would bring power, plenty and happiness to his long suffering people. In the winter and spring of the year 1890 the idea became widespread, and in the early summer the announcement of the actual appearance of the Indian Christ was made.

In June of this year the War Department gave general circulation to the story of Porcupine, a Cheyenne medicine man, who, in November, 1889, by divine command and under the guidance of the Great Spirit, traveled from his reservation to the Shoshone agency, to Salt Lake City, and thence to the Fort Hall agency, where he was joined by delegations from other tribes who came upon the same mission, and who without any apparent agreement for concert of action, arrived at about the same time. From Fort Hall the representatives were directed to the Walker River reservation in the State of Nevada, where the long expected Messiah was found, his head bowed in sorrow, and with scars on wrists and face. He told them of his crucifixion, sufferings and death. He instructed them in morality, and taught them certain religious dances and songs. He counseled brotherly love and kindness one to another, gave lessons in immortality, and prophesied that all the Indian dead were to be resurrected, and to live on earth again. The old were to

become young; the crippled and diseased to be made well; the buffalo, deer, elk and other game to be brought back in abundance; and the earth enlarged so that all nations could dwell therein.

The agent for the Cheyennes and Arapahoes in Oklahoma Territory reported to the Indian Bureau that, in the autumn of 1889 and winter of 1890, rumors had come to that agency from the Shoshones of the State of Wyoming that the Indian Christ had surely come, and was waiting in the mountains some two hundred miles north of their reservation; that some of the best medicine men of the Shoshones had visited and held converse with him; that he had told them that the whites were to be removed from the country, the buffalo brought back, and the red men restored to their original condition in the land of their fathers. These rumors were believed by the Cheyennes and Arapahoes, who sent two representatives to Wyoming to investigate the matter. Their agents returned after an absence of some months, and reported that the story concerning the Christ was true, though they had not seen him, having been prevented by the heavy snow from making the pilgrimage to the mountains.

The special agent in charge of the Tongue River agency in the State of Montana reported¹ that an Indian, also named Porcupine, had declared himself to be the Indian Messiah, and that he had a large following among those of that agency. Even those who did not believe obeyed him through fear of the terrible power of his curses. It was ordered, for the purpose of pleasing the Great Spirit, that at every new moon a six days' and nights' dance should be held. In this way, at the end of a given time, the buffalo, elk and other game would be restored, the Indian dead resurrected, the true believers endowed with perpetual youth, and many other wonderful things done for the benefit of the Indian race.

The Indians at the several agencies of the great Sioux

¹ Report Comm. Indian Affairs, 1891, p. 123. [Ed.]

Nation located in the States of Nebraska, and of North and South Dakota, heard reports of the advent of the Indian Messiah, and gave credence to the same. In the winter of 1890 the Sioux, with their characteristic courage and activity, and without obtaining permission from the agents in charge appointed by the governmental authority, sent four representatives to learn and report the truth in this matter. Good Thunder, Cloud Horse, Yellow Knife, and Short Bull, the Indian representatives sent, after an absence of several months, returned and reported that the Indian Christ had surely come, that they had seen him face to face, had grasped his hands and talked with him; that a great smoke came down from heaven and enveloped them during the interview; that he showed them a vision of the happy future home of all the Indian nations, across the ocean; that he gave them paints, and instructions how to make themselves immortal; that he had come to bring back the vanished game, and to give life, strength and happiness to the red men; that he would make their dead friends live once more; that the old should become young again, and the young never grow old; but that all should pray, and sing, and dance to the Great Spirit, and love each other; that in the spring of the next year all would be well if they did as the Christ said.

Great excitement prevailed at many agencies, much credence was given to these reports, and religious meetings were commenced in obedience to the supposed commands and wishes of the Christ, in which hundreds of Indians of both sexes sometimes took part. They would gather at a pole placed in the earth. Then under the instructions of a medicine man, rise from the ground, form a circle, join hands, and move around with cadenced step, singing, crying and praying, until exhausted.

Agent Gallagher at Pine Ridge agency, in the State of South Dakota, stated to the Commissioner of Indian Affairs that the Indians of that agency believed the

reports in regard to the coming of the Great Medicine Man; that he had actually appeared in Wyoming; that his mission was to raise and clothe the dead, and to restore to the Indians their departed heroes; to return to their country the elk and deer, and the herds of buffalo; all of which should make the Indians entirely independent of aid from the whites, and bring such confusion upon their enemies that they would flee the country, leaving the Indians again in possession of the entire Northwest, to be theirs forever. The agent also stated that many of the Indians fainted during the performances which attended the recital of the wonderful things soon to come to pass, and that one man died from the excitement; that at one time there were gathered some 2,000 Indians at White Clay Creek about twenty miles distant from Pine Ridge agency, to hold their religious dances and meeting, in preparation for the Christ that had come, and was soon to be with them.

Agent McLaughlin from Standing Rock agency in the State of North Dakota, reported to the Commissioner of Indian Affairs that the Indians belonging to the band of that famous old medicine man, Sitting Bull, were much excited over the expected Indian Millennium. This was to come not later than the next spring, when the new grass begins to appear, and was known among the Sioux as the "return of the ghosts." It contemplated the utter annihilation of the white race, and the supremacy of the Indian.

Mr. McLaughlin in describing this condition of the Indians said: ¹

"They are promised by some members of the Sioux tribe, who have lately developed into medicine men, that the Great Spirit has promised them that their punishment by the dominant race has been sufficient, and that their numbers, having now become so decimated, will be reinforced by all Indians who are dead; that the dead are

¹ Rept. Comm. Indian Affairs, 1891, p. 125.

returning to reinhabit this earth, which belongs to the Indians; that they are driving back with them, as they return, immense herds of buffalo, and elegant wild horses to have for the catching; that the Great Spirit promises them that the white man will be unable to make gunpowder in future, and all attempts at such will be a failure; and that the gunpowder now on hand will be useless as against Indians, as it will not throw a bullet with sufficient force to pass through the skin of an Indian; that the Great Spirit had deserted the Indians for a long period, but is now with them and against the whites, and will cover the earth over with thirty feet of additional soil, well sodded and timbered, under which the whites will all be smothered; and any whites who may escape these great phenomena will become small fishes in the rivers of the country; but in order to bring about this happy result the Indians must do their part, and become believers, and thoroughly organized."

The story of the Indian Christ as he was understood by the Sioux Nation, and an account of the visit of the representatives who saw him, with a description of the ceremonies and songs of the ghost dancers was written out about the time of the surrender of the hostiles in January, 1891, by Major George Sword, an Ogallala Sioux Indian, who was then Captain of the Indian police at Pine Ridge agency. The original, written in the Dakota tongue, is in the possession of Miss Emma C. Sickels, formerly superintendent of the Indian school at that agency. The following is a nearly literal translation of this interesting paper, which has the added value of having been made by an educated young man of the Ogallala tribe:—

This is the story of the ghost dancing.

The first people that learned about the Messiah having come, were the Shoshones and Arapahoes. The Ogallalas heard that the Son of God was truly on earth far to the west from their country. This was in the 1889 year. So in that year Good Thunder with four or five others visited the place where the Son of God was said to be. These people went there without permission. They said the Messiah was there at the place, and he was there to

help the Indians and not the whites. It made the Indians happy to find out this.

Good Thunder, Cloud Horse, Yellow Knife, and Short Bull visited the place again in the 1890 year, and saw the Messiah.

This is their story of their visit to the Messiah:

"From the country where dwell the Arapahoes and Shoshones we start towards the Northwest, and go in train for five nights, and arrive at the foot of the Rocky Mountains. Here we saw him and also several tribes of Indians. The people said that the Messiah would come at a place in the woods which was prepared for him. When we went there a great smoke descended from heaven around the place where he was to come. When the smoke disappeared there was a man about forty years, which was the Son of God. The man said:—'My grandchildren! I am glad you have come far away to see your relatives. These are your people who have come back from your country.'—Then he said he wanted us to go with him. We looked and saw a land created across the ocean on which all the nations of Indians were coming home. But as the Messiah looked at the land, which was created and reached across the ocean, it disappeared, he saying that it was not time for that to take place.

The Messiah then gave to Good Thunder some paints, Indian paint and a white paint—a green grass, and said: 'My grandchildren, when you get home, go to farming and send all your children to school. On the way home if you kill any buffalo cut off the head, the tail and the four feet, and leave them, and that buffalo will come to life again. When the soldiers of the white peoples' chief want to arrest me, I shall stretch out my arms which will strike them to nothingness. If not, then the earth will open and swallow them in. My father commanded me to visit the Indians on a purpose. I came to the white people first, but they were not good; they killed me, and you can see the marks of my wounds on my feet, my hands and on my back. My father has given you life—your old life—and you have come to see your friends, but you will not take me home with you at this time. I want you to tell, when you get home, your people to follow my examples. If any Indian does not obey me, and tries to be on the whites' side, he will be covered over by a

new land that is to come over this old one. You and all the people will use the paints and grass I give you. In the spring when the green grass comes, your people, who have gone before you, will come back, and you shall see your friends then, for you have come to my call.'

Then the people from many tepees sent for us to visit them; some were those who died years ago. Chasing Hawk who died not long ago, was there, and we went to his tepee. He was living with his wife who was killed in war many years past. They live in a buffalo-skin tepee—a very large one—and he wanted all his friends to go there to live. A son of Good Thunder who died in war a long time ago also took us to his tepee, so that his father saw him.

When returning, we came to a herd of buffaloes; we killed one and took everything except the four feet, head and tail. When we moved a little ways from it there was the buffalo come to life again, and he went away. This was one of the Messiah's words that came to truth.

The Messiah also said:—'I will make short your journey when you feel tired of the long ways, if you call me.'—This we did when we were very tired. The night came upon us, we stopped at a place, and we called upon the Messiah to help us because we were tired of the long journey. We went to sleep and in the morning we found ourselves at a great distance from where we stopped."

The people came back here from the visit to the Messiah and they got those loyal to the Government and those not in favor of the whites, and held a council. The agent's soldiers were sent after them, and brought Good Thunder and two others to the agency and they were confined in prison. They were asked by the agent and Captain Sword whether they saw the Son of God, and whether they were holding councils over their return from this visit, but Good Thunder refused to say "yes." They were confined in the prison for two days, and upon their promising not to hold councils about their visit, they were released. They went back to the people, and told them about their trouble with the agent, then they dispersed without a council.

In the following spring the people at Pine Ridge agency began to gather at the White Clay Creek for councils. At this time Kicking Bear from the Cheyenne River

agency, went on a visit to the Arapahoes, and said that the Arapahoes there had ghost dancing. He said that the people participating in the dance would get crazy and die. Then the Messiah is seen and all the ghosts. When they die they see strange things; they see their relatives who died long before. They saw these things when they died in the ghost dance, and then came to life again. The persons dancing become dizzy, and finally drop dead, and the first thing they see is an eagle that comes to them, and carries them to where the Messiah is with his ghosts. They say this. The persons in the ghost dancing all join hands. A man stands and then a woman, in that way forming a very large circle. They dance around in the circle continuously until some of them become tired and so over-tired that they become crazy and finally drop as though dead, with foam in the mouth and all wet with sweat.

All the men and women make holy shirts and dresses they wear in the dance. The persons who drop in the dance all lie in the great dust the dancing makes. They paint the white muslins they make the holy shirts and dresses out of, with blue across the back, and alongside of this is a line of yellow paint. They also paint the front part of the shirt and dresses. A picture of an eagle is made on the back part. On the shoulders and on the sleeves they tie eagle feathers. They said that the bullets would not go through these shirts and dresses, so they all have them for war. The enemies' weapons will not go through these garments.

The ghost dancers all have to wear an eagle's feather on the head. With this feather any man would be made crazy, if fanned with it. In the ghost dance no person is allowed to wear anything made of metal, except that guns made of metal are carried by some of the dancers.

When they come from the ghosts, or after recovery from the craziness, they bring meat from the ghosts, or from the Messiah. They also bring water, fire, and wind with which to kill all the whites, and the Indians who help the chief of the whites. They make a sweat house and holes in the middle of the sweat house, and they say that water will come out of these holes.

Before they begin to dance all arise from the ground, raise their hands toward the Northwest, and cry aloud in

supplication to the Messiah. They then commence the dance, singing,

Ina he kuye, ina he kuye,
Misunkala, ceya omani ye,
Misunkala, etc., etc.

The ghost songs—*Wanagi Olowan Kin*,—as sung by the tribes of the Sioux, were composed of a number of separate stanzas, each usually ending with the refrain,

Ate heye lo, ate heye lo.
Saith my father, saith my father.

Some of the stanzas concluded with the words,

Nihun quon he heye lo, nihun quon he heye lo.
Saith thy mother, saith thy mother.

Others terminated with the phrase,

Unci heye ce, unci heye ce.
Saith my grandmother, saith my grandmother,

And occasionally was heard the closing melody of

Tuwa heye ce, tuwa heye ce.
Saith somebody, saith somebody.

Some of the stanzas were chanted by the women, and others by the men. Again stanzas were divided, and the parts sung alternately by those of each sex. Both men and women, however, usually joined in the refrain. The terminal words *lo* and *ye* seem to be added for the purposes of euphony rather than for any change of meaning. These words are given a gender, the former being masculine and the latter feminine, as regards the speaker or singer; and this characteristic appears in the language generally.

Another peculiarity of the Dakota tongue, which is noticed in these songs, is the use of words having entirely distinct and different roots to indicate the first, second and third persons, and especially in the gender of nouns. To illustrate: my mother is *ina*, thy mother, *nihum*, and his mother, *hunku*. My father is *ate*, thy father, *niyate*, and his or her father, *athuku*. Brother is *hunkarwanjitku*; my older brother, *cinye*; my younger brother, *misunka*;

and a brother-in-law, *tahanka*. The diminutive is found by adding the syllable *na* or *la* to the noun; as *zithkana*, a little bird, *misunkala*, my little brother.

The song was in the nature of a chant, with some variations of the general melodious monotone. An accent, or emphasis, was given at about every second beat of common time. The refrain was at times a musical wail, whose plaintive melody seemed to come from a sorrow-laden heart, the memory of which will remain for years.

The following song of the ghost dance, *iwahuni*, was arranged by Mrs. Mary Parmerlee and Mr. R. C. Bower, through the assistance of Short Bull, a Brule Sioux, of the Rosebud agency, South Dakota. Short Bull was one of the Dakota delegates who twice visited the sacred place in the mountains where the Messiah was said to be, and who brought back the report that the Indian Christ had surely come.

The language and music can be regarded as but a distant echo of the wild, incoherent words and pathetic melody heard across the broken canyons of White River, in the Mauvais Terres, or by the crimson waters of the Wounded Knee.

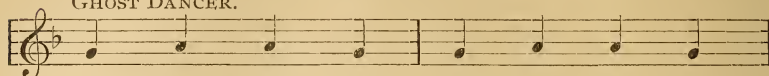
The conversation indicated in the song is supposed to take place between the Great Spirit and the ghost dancer after the latter, having fainted from exhaustion and mental excitement, has mounted upon wings like a bird, met and talked with the spirits of his departed friends, and finally entered the realm of the sun.

GREAT SPIRIT.



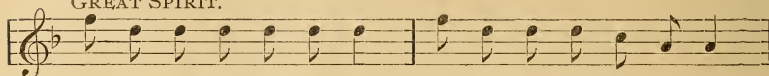
He tu - we - che ya e e? He tu - we - che ya e e?
Who is yon fleet-wing-ed ghost? Who is yon fleet-wing-ed ghost?

GHOST DANCER.



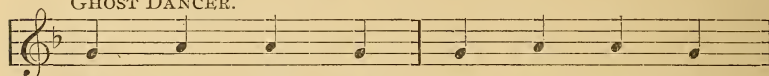
I - wa - hu - ni, I - wa - hu - ni,
It is fin - ished; It is fin - ished;

GREAT SPIRIT.



To - ki - ya e - tan ya - u? To - ki - ya e - tan ya - u?
Whence come you, ye wand'ring shade? Whence come you, ye wand'ring shade?

GHOST DANCER.



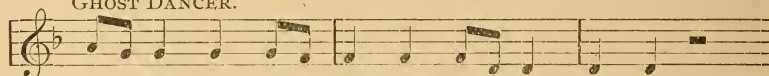
Ni - wa - chi - pi; Ni - wa - chi - pi.
From thy ghost dance; From thy ghost dance.

GREAT SPIRIT.



Tu - we he hu - wo? Tu - we he hu - wo?
Who are you, my child? Who are you, my child?

GHOST DANCER.



A - te wa - ni - kte wa - chin ye lo - yu.
Fa - ther, I seek e - ter - nal life from you.

GREAT SPIRIT.



Ma - ye - ksu - ya - yo; Ma - ye - ksu - ya - yo.
Then re - mem - ber me; Then re - mem - ber me.

GHOST DANCER.



A - te, Wa - qui - kte na - wa - lion ye - lo.
Fa - ther, I hear you: I bid you fare-well.

It was a task of some difficulty to have these unwritten songs reduced to such form as was necessary for their permanent preservation. Most of those engaged in the religious ceremonies as well as those in sympathy therewith, were either unable to write, or were averse to doing so; and those sufficiently educated generally did not know, and hence were unable to put in writing the entire song, and at best could give but disconnected meaningless fragments. The writer considers himself fortunate in being able to present in addition to the foregoing words and music, the thirty nearly complete stanzas composing the two typical ghost songs, which with their translations are given hereafter. They were obtained largely by the kindness of Miss Sickels, whose faith in the future development and high civilization of the native American races is very encouraging to those whose labors are directed to such objects.

The stanzas from one to nineteen which follow were written down by Major Sword of the Pine Ridge agency, and imperfectly translated by one of the young men of the Indian school. These constitute the *wanagi olowan* as sung on Wolf Creek, on White Clay Creek, and at Pine Ridge.

The last eleven stanzas hereafter given constitute the ghost song of the Indians who were assembled under the chief Spotted Elk, or Big Foot, as he was commonly called. The members of the band of this unfortunate chief were mostly Brules, *burnt thighs*,—some of them from the Rosebud, and others from the Cheyenne River agency. To these, however, had been added a number from the tribe of Unca-papas, *those who dwell by themselves*—being remnants of the followers of Sitting Bull, that had escaped at the time of the death of their famous leader, and had attempted to reach the Bad Lands on the North of White River, but were prevented by the military forces of the Government, and so had attached themselves to those under the leadership of Spotted Elk who

was then encamped on Porcupine Creek about forty miles eastward from Pine Ridge agency. These stanzas were obtained through the Indian woman, Lizzie Blackfox, the wife of Blackfox, a Cheyenne Sioux, who is said to have fired the first shot at the battle of Wounded Knee, December 29, 1890, where 109 dusky warriors fought the 500 well armed veterans of General Custer's old regiment, the 7th U. S. Cavalry. They were first written out in the Dakota tongue by the Indian wife of the Indian Episcopal Missionary at Wounded Knee. The writer of this paper, with the aid of a lexicon of the Dakota language and with the valued assistance of Henry M. Jones, an educated, full-blood Sioux of the Santee agency, in Nebraska, has gone over patiently and carefully each of the songs, for the purpose of eliminating any mistake in orthography, substance, or form, and it is believed that the original Indian text, as well as the English translation, is reasonably correct and accurate. There has been no attempt however to specially indicate, in the orthography of the text, those particular sounds of the Dakota language which have no equivalent in English, such as the rough guttural, or second sounds of g and h, the peculiar nasal quality sometimes given to n, or the explosive, vocal characteristics of q, c, p, and t. To represent accurately such sounds would require the use of additional letters or characters, and this was not deemed necessary for the purpose of this paper.

The following is the song of the ghost dancers as sung on White Clay and Wolf creeks near the Pine Ridge agency:—

WANAGI OLOWAN KIN.

THE GHOST SONG.

1

Ina he kuye, ina he kuye,
 Misunkala ceya omani ye,
 Misunkala ceya omani ye,
 Ate heye lo, ate heye lo,
 Ate heye lo.

2

He tuweca he u huwo,
 He tuweca he u huwo ecanni huwo;
 Hunku okilica he u huwo,
 Ate heye lo, ate heye lo,
 Ate heye lo.

3

Ina he kuye, misunkala,
 Misunkala ceyaya omani ye,
 Misunkala ceyaya omani ye;
 Ina he kuye, ate heye lo,
 Ate heye lo.

4

Ateyapi kin maka owankaya,
 ilowan po eya pe,
 Oyaka yo, oyaka yo, heya, heya,
 Ate heye lo, ate heye lo,
 Ate heye lo.

5

Howo micinkxi, howo micinkxi,
 Le cico qon wanna, yahi ye,
 yahi ye;
 Maka kin le icu wo, maka kin le
 icu wo;
 Akal inicagin kte, akal inicagin kte;
 Haye eyayo, haye eyayo.

6

Micunkxi nape mayuza yo,
 Micunkxi nape mayuza ye;
 Inicagin kte, inicagin kte,
 Ate heye lo, ate heye lo,
 Ate heye lo.

1

My mother come home, my mother
 come home,
 For my younger brother crieth,
 wandereth,
 For my younger brother crieth,
 wandereth,
 Saith my father, saith my father,
 Saith my father.

2

Thou wonderest who cometh,
 Thou wonderest who cometh;
 One hunteth his mother,
 Saith my father, saith my father,
 Saith my father.

3

My mother come home, for my
 younger brother,
 My younger brother still crieth,
 wandereth,
 My younger brother still crieth,
 wandereth;
 My mother come home, saith my
 father,
 Saith my father.

4

All the earth singeth of the father,
 Singeth of the father; tell it, tell it,
 Saith my father, saith my father,
 Saith my father.

5

My son return now thou art come,
 My son return now thou art come;
 Take this land, take this land;
 Thou shalt live on, thou shalt live on;
 Tell this, tell this.

6

My daughter shake my hands,
 My daughter shake my hands;
 Thou shalt grow, thou shalt grow,
 Saith my father, saith my father,
 Saith my father.

7

Ate heye lo cannonpa wan
Cicicaupi ca yanipi kte lo
Ate heye lo, ate heye lo,
Ate heye lo.

8

Kininyanka wan hi ye, kininyanka
wan hi ye;
Wan leci le wanasapi kte lo eyape,
Wan leci le wanasapi kte lo eyape;
Wahinkpe kaga yo, wahinkpe kaga
yo.

9

Mina kin hiyumiciya, mina kin hi-
yumiciya ye;
Wawakabla kte, wawakabla kte;
Puze cinhan wasna wakagi kte,
Puze cinhan wasna wakagi kte;
Unci heya ce, unci heya ce.

10

Leciya heyapi lo, leciya heyapi lo,
Ate ceyaya wanyaglaka ca,
Ate ceyaya wanyaglaka ca,
Tuwa heya ce, tuwa heya ce.

11

Hanpa wecage, hanpa wecage,
Tewarinla ca he, tewarinla ca he;
Wanblenica ca he kape lo, wanblenica
ca he kapa lo,
Nihun qon he heye lo, nihun qon he
heye lo.

12

Tokexa wanweglakin kte,
Tokexa wanweglakin kte,
Nihun qon he heye lo, nihun qon he
heye lo.

13

Kakoyan wicexka alina, kakoyan
wicexka alina,
Koyan wawahin kte, koyan wawahin
kte;
Wihuta ohomni, wihuta ohomni,
Okatanna, okatanna;
Nihun qon he heye lo, nihun qon he
heye lo.

7

My father saith I bring thy pipe,
So thou mayest continue to live,
Saith my father, saith my father,
Saith my father.

8

Some one cometh to tell news, to tell
news;
There shall be a buffalo chase,
There shall be a buffalo chase;
Make arrows, make arrows.

9

Give me my knife, give me my knife;
I would cut the meat, I would cut the
meat;
I would make the ground meat;
I would make the ground meat;
Saith my grandmother, saith my
grandmother.

10

They say there, they say there,
Thou shalt see father and cry,
Thou shalt see father and cry,
Saith somebody, saith somebody.

11

I made him moccasins, I made him
moccasins,
For I love him, for I love him;
He is fatherless, he is fatherless,
Saith thy mother, saith thy mother.

12

The time cometh, I shall see him,
The time cometh, I shall see him,
Saith thy mother, saith thy mother.

13

Raise the tepee, hurry, raise the
tepee, hurry,
I wish to cook soon, I wish to cook
soon;
Drive the pins around the tepee,
Drive the pins around the tepee;
Saith thy mother, saith thy mother.

14

Iglaka auwe, iglaka auwe,
Tahena, tehenā,
Ate heye lo, ate heye lo,
Ate heye lo.

15

Tokeya micage, tokeya micage;
Inicagin kte, inicagin kte;
Ate heye lo, ate heye lo,
Ate heye lo.

16

Yani kte huwo ? Yani kte huwo ?
Heye eya yo, heye eya yo.

17

Tunkanxila, tunkanxila,
Kangi oyate, kangi oyate,
Pte aupe, pte aupe;
Tixta wate, tixta wate.

18

Ate micu ye, ate micu ye, wahinkpe
micu ye,
Wahinkpe micu ye, ahiye, ahiye;
Wasna watin kte. wasna watin kte;
Ate heye lo, ate heye lo,
Ate heye lo.

19

Wakanyan inyankin kte,
Wakanyan inyankin kte,
Canhlexka wan luzahan inyankin kte,
Canhlexka wan luzahan inyankin kte,
Wawanyang upo! Wawanyang upo!
Ate heye lo, ate heye lo,
Ate heye lo.

14

The people are coming home,
The people are coming home,
Saith my father, saith my father,
Saith my father.

15

I have lived before, I have lived
before;
Saith my father, saith my father,
Saith my father.

16

Shalt thou live? Shalt thou live?
Saith the father, saith the father.

17

Grandfather, grandfather, behold,
There are nations of crows, nations of
crows;
Behold there are buffalo, there are
buffalo;
I eat buffalo eyes, I eat buffalo eyes.

18

Father give me, father give me my
arrows, give me my arrows,
They have come, they have come;
I shall eat the ground meat, eat the
ground meat;
Saith my father, saith my father,
Saith my father.

19

The holy circle runneth,
The holy circle runneth;
How the swift circle runneth,
How the swift circle runneth,
Oh! Come and see; come and see!
Saith my father, saith my father,
Saith my father.

The following is the song of the ghost dancers as sung on Wounded Knee Creek by the Indians of Spotted Elk's band:

1

Ina he ku wo, ina he ku wo;
Misunkala ceya omani ye,
Misunkala ceya omani ye;
Ina he ku wo, ina he ku wo;
Ate heye lo, ate heye lo.

2

Ehe kininyanka ukiye,
Ehe kininyanka ukiye;
Ieci wanasapi kte lo eyapi lo,
Leci wanasapi kte lo eyapi lo;
Wanhinkpe kaga yo, wanhinkpe kaga
yo.

3

Micinkxi nape mayuza ye,
Micinkxi nape mayuza ye;
Inicagin kte, inicagin kte;
Ate heye lo, ate heye lo.

4

Micinkxi tahena kupi ye,
Micinkxi tahena kupi ye;
Makoce wan waxte ayalipi kte,
Makoce wan waxte ayalipi kte;
Ate heye lo, ate heye lo.

5

Koyan wicexka ale ye,
Koyan wicexka ale ye;
Wanna wowahin kte, wanna wawahin
kte;
Wihute ohomni, wihuta ohomni,
okalanna, okalanna;
Koyan wowahin kte, koyan wawahin
kte.

6

Ateyapi kin maka owancaya ilowan
po,
Ate heye lo, ate heye lo;
Heya po, hey a po,
Ate heye lo, ate heye lo.

1

Oh, my mother come home, oh, my
mother come home;
My younger brother crieth, wander-
eth,
My younger brother crieth, wander-
eth,
Oh, my mother come home, oh, my
mother come home;
Saith my father, saith my father.

2

They come to tell news,
They come to tell news;
They say there will be a buffalo
chase,
They say there will be a buffalo
chase;
Make arrows, make arrows.

3

My son shake my hands,
My son shake my hands;
Thou shalt grow, thou shalt grow;
Saith my father, saith my father.

4

My son come hither,
My son come hither;
Thou shalt tread a good land,
Thou shalt tread a good land;
Saith my father, saith my father.

5

Raise the tepee, hurry,
Raise the tepee, hurry;
I shall cook soon, I shall cook soon;
Drive the pins around the tepee;
I shall cook soon, I shall cook soon.

6

All the earth singeth of the father,
Saith my father, saith my father;
Singeth, singeth of the father,
Saith my father, saith my father.

7

Wanna wanasapi kte,
Wanna wanasapi kte;
Unci itazipa micu wo,
Unci itazipa micu wo.

8

Miye wanmayanka yo miye wanma-
yanka yo,
Xunka oyate wan canku wakaga;
Miye wanmayanka yo, miye wanmay-
anka yo,
Xunka oyate wan canku wakaga lo;
Kola heye lo, kola heye lo.

9

Miye wanmayanka yo, miye wanmay-
anka yo,
Kangi oyate wan canku wakage,
Miye wanmayanka yo, yanipi
Kta ca canku wakage lo;
Kola heye lo, kola heye lo.

10

Maka sintomhiyan ukiye,
Oyate ukiye, oyate ukiye;
Maka owancaya ukiye, pte kin ukiye,
Oyate wan hoxi hi ye lo,
Ate heye lo, ate heye lo.

11

Maka sintomhiyan ukiye,
Oyate ukiye, oyate ukiye;
Wanbli oyate wan hoxi hi,
Wanbli oyate wan hoxi hi,
Ate heye lo, ate heye lo.

7

Now for a buffalo chase,
Now for a buffalo chase;
Grandmother give me my bow,
Grandmother give me my bow.

8

A nation of dogs seeth me,
Seeth me making a path;
A nation of dogs seeth me,
Seeth me making a path,
Saith my friend, saith my friend.

9

A nation of crows seeth me,
A nation of crows seeth me,
Making a path that thou shalt tread,
Making a path that thou shalt live;
Saith my friend, saith my friend.

10

Over all the land nations are coming,
Over all the land nations are coming;
A nation of crows this forerunneth,
A nation of crows this forerunneth,
Saith my father, saith my father.

11

Over all the land nations are coming,
Over all the land nations are coming;
A nation of eagles this forerunneth,
A nation of eagles this forerunneth,
Saith my father, saith my father.

While it is apparent that the Indian Messiah is an adoption of the Christian idea of the Saviour, yet it is only an adaptation of him, in accordance with the Indian modes of thought and ancient beliefs, to the pressing needs in anticipation of the fate which seems to confront this unfortunate people, and with a half-despairing hope of relief. It is a singular and significant fact that in thus comprehending and adopting the fundamental idea of a Messiah there should have been added no other element from the Christian religion. All else appears to be purely pagan, using the term as an antithetical correlative of

Christian. The Indians seem to have accepted Christ as a being with divine power, which He is the more willing to exercise as an avenger in their behalf because of his rejection and crucifixion by the white races.

Another noticeable characteristic of these weird, iterative songs is their lack of definite lines of thought, their general separation from, and apparent want of relevancy to, the great subject. They seem to have no reference to Christian conceptions or to any ideas derived from modern civilization. Without going into a general discussion of this subject, it is suggested as a probable explanation that each stanza has some figurative meaning associated with the ancient legends and superstitions, which, to the Indian mind, is strongly suggestive of exalted ideas, capable of awakening profound emotions, and, by continued, excessive, rapid repetitions, of exciting to a religious frenzy, similar to that of the dervishes of Turkey, Egypt, Persia, Hindostan, and Central Asia.

REMINISCENCES OF THE THIRD JUDICIAL DISTRICT, 1857—1861.

E. WAKELEY.

It is not easy to describe what one has seen, or speak of events in which he has taken a part, no matter how slight, without intruding his personality more or less into the narrative. If, therefore, in recalling some reminiscences of Northern Nebraska, a generation ago, I may be chargeable with this seeming fault, let it kindly be overlooked.

In January, 1857, I was located in Southeastern Wisconsin, engaged, in the usual way of the ardent young lawyer, in trying to convince courts that my clients were always in the right, and the other lawyer's clients were always in the wrong. One evening, I found on my table a telegram from an early and steadfast boyhood friend, Bird B. Chapman, then delegate in Congress from Nebraska. It asked, in few words, if I would accept a judgeship in the Territory. My knowledge of Nebraska was limited. I had known indeed of the sudden exodus from North and South into the twin territories beyond the Missouri. It was a notable movement—born of the emigrating American spirit; and of the challenge, embodied in their organic act, to freedom and to slavery to enter the land, and contest for supremacy. In each, the foundations were being laid for a new American State. Might I not look kindly on the opportunity to take some little part in so great a work? Did there come to my perception the image of a desolate frontier people yearning for the justice which it was my special mission to dispense? Was I influenced, in a degree, by the temptation which comes to very many of my profession, to realize the independence, the dignity, and the opportunity for usefulness of a place on the bench? No matter. The result was, that I received, in due time, the parchment with the autograph of President Franklin Pierce appended, which invested me, for the next four years, with an undivided one-third of the judicial power to be exercised by the District and Supreme Courts of the Territory of Nebraska.

On April 8th, 1857, two friends joined me, and we started to find what the future might have for us, in new and wild Nebraska. One was Roger T. Beall, a young man who was afterwards, for several years, Clerk of the Third Judicial District, and Edwin A. Allen, who became a prominent resident of Washington County, and finally a business man of Omaha. Both "have ceased from their labors." We selected the most available route. Had we

waited for a railroad which could take us directly to Omaha we should have reached there in 1865—four years after my term expired. The Chicago, Alton and Quincy Railroad, and twenty miles on the Mississippi, took us to St. Louis. One hundred and seventy-five miles over the Missouri Pacific Railroad, saved us a steamboat ride of two days against the strong current of the lower Missouri to Jefferson City. There we were welcomed to the hospitalities of a boat, upward bound, crowded beyond all semblance of comfort by a great throng—most of them pressing on to Kansas to find prairie homes, and beat the “border ruffians.” They carried dictionaries and bibles for the homes; and ballots and bullets for the “ruffians.” Some kept with us to Southern Nebraska; not many, as I remember, to our destination. Before we reached this we changed boats twice, encountering on the way a violent snow storm, and a fréezing night. Some where on our slow river journey a young man, bound for Nebraska, joined our party—a man since known well in its history as a citizen, a lawyer, a legislator, and jurist, bearing the honored name of George W. Doane.

On the 21st day of April, a journey of twelve days from Chicago,—now made by fast mail train in less than so many hours,—and by regular passenger trains over four great trunk lines in fifteen hours,—came to an end.

We landed at Omaha, that bustling, hustling, ambitious, aggressive city of two thousand people. Thirty-three years is not a long time in the life of a city; yet in 1890, its population had expanded to 140,000, a seventy-fold increase. Where else could that have happened? Where but in the vast undeveloped region west of the Mississippi and the Missouri, where prairies, plains and mountains, and the ozone-laden air invited a colonizing people, which halts at no obstacle, to enter in quest of homes, health and wealth?

Omaha had its rivals,—sharp, eager, and not always amiable rivals, south, and north, and west. It was the

territorial Capitol. Time and circumstances have largely effaced the bitterness of those old contentions. Those who engaged in them are now alike constituents of a great and strong commonwealth, proud of its past, and cooperating for its assured future. But the city which afterwards, in fair contest, took from Omaha its prestige as the Capital—the city second now in population, in importance, in wealth and resources—was then only an undreamed of ideality of the future.

The legislature of 1857 rearranged the judicial districts. The Chief Justice, Fenner Ferguson, appointed from Michigan, was assigned to the First District, embracing Douglas, Sarpy and four other counties. Associate Justice, J. W. M. Underwood, soon succeeded by Samuel W. Black of Pennsylvania, was assigned to the Second, comprising Otoe and the southeastern counties. I had succeeded James Bradley, appointed from Indiana, and was assigned to the Third District, comprising the counties of Washington, Burt, Dakota, and those north of them. Nebraska extended from the 40th Parallel on the south, to the 49th Parallel, or the British possessions, on the north; and from Minnesota to the Missouri river on the east, to the summit of the Rocky Mountains on the west. Except so much of this as lay below the south line of Washington County extended, the Third District comprised the whole of this great expanse, roughly computed at 350,000 square miles. I remember being impressed, when I first studied these boundaries, that it would take a great deal of justice to cover such an area, or that my limited supply of it would need to be spread out very thin to do it. But as the Indians, buffaloes and wild animals constituting the inhabitants of the unorganized country were not covetous of the white man's justice, I expended it wholly in the river counties, among a most intelligent, order loving, and law abiding people.

On my arrival I found existing a peculiar state of the law. At its first session in 1855, the legislature adopted

portions of the Civil and Criminal Codes of Iowa. These were in force until February 13, 1857, when, by an act taking effect immediately, they were unconditionally repealed without a saving clause, or a substitute. A new Civil Code was adopted at the same session, but not to take effect until the first day of the next June. No Criminal Code of laws was enacted for a considerable time afterwards. There could be no conviction for offenses committed under the repealed statutes. One judgment at least, and against a notable offender, was reversed by the Supreme Court on that ground, and the accused set free. It was publicly charged that the repealing act had been passed for his immunity. The Territory was thus left without a statute punishing or prohibiting crime. From April 13th to June 1st, the courts were without code or statute defining their jurisdiction, or procedure; and were left for their guidance to the glimmer of the common law—doubtful of its application—or to their inherent powers.

We shortly started northward, on a tour of duty and observation. After the experience of the first two years, the climatic attractions of Nebraska had been widely heralded. But the hope of a winter paradise there had been chilled by the terrible experience of 1856-7. The settlers had resolved to risk one more winter. If that should be a duplicate of the last, then "good bye Nebraska." Snow drifts still lingered in the hollows of the bluffs along the river. The whitened bones of perished animals by the way side spoke convincingly of want of shelter and of food. With rare exceptions, the cheerless, ill constructed houses, with no barns, easily accounted for hardship and suffering in the past winter. It required irrepressible hope, even for hardy pioneers with such surroundings, to call up visions of tree-girt homes, of blooming gardens, and cultured fields in the near future.

As then provided, courts were to be held in the counties of Washington, Burt, and Dakota. Their county seats

were respectively, Ft. Calhoun, Tekama, and the town (soon the city) of Dakota. Afterwards courts were appointed for Dixon and Cedar counties to be held in alternate years—their seats of justice being, respectively, Ponca and St. James. Black Bird county, the reserve of the Omaha Indians, lay between Burt and Dakota. Their village was on the Black Bird creeks, passed on the route up and down the country, with a school on the Missouri bluffs near by. The tribe administered its own law among its members, or went without any. This may have been a little hard on the profession; but plenty of rations, and no work for the men were more necessary to aboriginal comfort than law, lawyers, and litigation.

The first term of 1857 was at Tekama, on the first Tuesday in May. The court was there; but there was a discouraging scarcity of litigants, and no jurors. There was a tradition—perhaps on record—of one or two prior terms; but courts had been little known. J. R. Hyde, an influential citizen, was the deputy clerk. Afterwards, he removed to Douglas county, where for a time he was Probate Judge. In the sitting and dining room of his unpretentious one story house at Tekama, in a session of fifteen minutes, the court was opened; the Journal made up, showing no business; and the court adjourned *sine die*. Thereafter, terms were held twice a year, always on time, with increasing business.

The same afternoon we reached Decatur in an open wagon, and a pouring rain. The town had some two hundred energetic and excellent people; several buildings; a number of tents which sheltered newcomers; and hope of a railroad on the forty-second parallel. The people, with their worthy successors, have increased in number, and preserved the town—and their hope abides. We spent the night in a nascent hotel, with a roof shingled on one side. The dining room was on the ground floor of the open side, where guests were served with viands, and with rainwater free. Beneath the shingled side we

reposed. As the guest of honor, in a sense, the judge was permitted to spread his bedding on the floor, near the stove pipe, which came up through it for the economizing of heat. This was a luxury duly appreciated. In those ante-railroad days, steamboats were large carriers of passengers and freight on the upper Missouri—making frequent trips as far as Sioux City, then, and still, the chief city of Northwestern Iowa. Above that point their visits were few and irregular, their chief business being the transportation of supplies for Indian tribes in the northern country. Our burly host, who waited on his guests coatless, and in a red woolen shirt, told us, for our encouragement, that a steamer would be there in a few hours with supplies for the hotel. It arrived about noon. The bacon, dried apples, and molasses keg which it landed, must have cheered the remaining boarders; but we resolutely resisted them, and took the boat for Sioux City, where we found ourselves early the next morning. A public land sale was in progress which had filled the hotels, and boarding places to repletion; but a philanthropic citizen furnished us, for a price, with a shake-down on the parlor floor for the ensuing night. We crossed the river the next day to Omadi, then one of the hopeful cities of Dakota county. The soil on which it stood long since started for the Gulf, by way of the turbid Missouri. Its site is now on the Iowa side of the river; and its name alone remains in Nebraska.

For some days a rain fall, continuous, and copious enough to have fructified and blessed the semi-arid regions of our State last summer, kept us housed by day and by night. We spent our days in the bachelor rooms—half dormitory, half law office—of John Taffe, well known to Nebraskans as their subsequent congressman, and incumbent of other official positions.

The court convened, in due time, in a school house at the county seat. No sheriff was visible. Some "*amicus curiæ*," announced that the sheriff was "splitting rails in

the bluffs." This was before Lincoln's election, and the court not taking in at once the dignity of this employment, fined the delinquent official \$25. The next morning he was at the *pro tem* court house, and put it in excellent order an hour before the judge arrived. He explained that he had never heard of a district court in the county, and supposed the statute fixing the terms was a harmless formality. The court set him right on this point; and, its dignity having been vindicated, remitted the fine. This experience made him a good sheriff. Three cases were on the docket and disposed of—an encouraging increase of litigation since leaving Burt county.

Later on, the term for Washington county was held at Ft. Calhoun. This was a better settled and wealthier county than the others, with a considerable docket. Lawyers from Omaha, some of the ablest of its bar, had attended the courts there, in common with local attorneys, as they continued to do. This closed the business for the spring of 1857. In June a short session of the supreme court was held at Omaha. It will be seen that, down to this time, whether or not the judge was being overpaid, he had not been overworked.

We had first seen Nebraska in April. The spring was late and backward. The dried grasses were sere and brown; or the ground was black and bare where the fall fires had consumed them. The hillsides looked grizzled and desolate. The debris of a terrible winter strewed the country. But the copious rains came; the clouds lifted; Nebraska resumed its own sunshine and green. To the stranger, the transformation was a surprise, and was very welcome.

It will be recalled that the land boom which covered the country, before the panic of 1857, was in full vigor in the early months of that year. Nebraska, for three years, had been its congenial habitat. From Omaha to Sioux City, on this side of the river, platted towns, and lithographed cities lined the way. Explorers stumbled

against corner stakes lurking in the green or withered grass, or driven deep in the steep face of the river bluffs. The man who did not own a town site, or a potent interest therein, was looked upon as a "seed" who had accidentally strayed too far west, and was fit only for a secluded village in New England, or a quiet valley in old Pennsylvania. Ninety per cent of those stakes have, long since, been uprooted by the plowshare; and, for a third of a century, no real estate agent has had the hardihood to hang a lithographed plat of one of those vanished towns on his office wall.

I remember crossing Washington county, from the Missouri river to the Elkhorn, in the early June of that year. Halting at noontime, for rest and refreshment, on the open prairie near the center of the county, we remarked on the rare beauty of the spot—a level, grassy plain, begirt with low, swelling hills. At once the inspiration came to a member of the party, that this was an ideal site for a future commercial center, and a potential county seat. All agreed. In twenty minutes the area had been roughly defined, and the name of the city to be, had been fixed upon. Nothing remained but the surveying, platting, recording, and lithographing. A manager was selected. I went my way. I have never seen the city since; but in seven or eight weeks, I received by mail, a certificate that I was the owner of a specified number of shares in the———Town Company. The very name has perished from my memory. The engraved certificate was really handsome. So was the town site. The certificate has yielded me nothing; but, as I hope, some sturdy yeoman has been gathering bountiful harvests from my town lots, for the thirty odd years since I saw them.

During my term the seat of justice of Washington county fluctuated between Ft. Calhoun and DeSoto. The former was then, as now, a charming town site. At DeSoto were several hundred people; a saw mill; a store;

a hotel; two banks—one with a visible office, safe, and cashier—the other with nothing in sight but the name “Waubëek,” engraved on its bills. It had two or three lawyers; and was the home of the justice of the peace—Squire Hoskinson—who sustained the attachment against a dead man, on the ground of non-residence. It had other adjuncts, and elements of a hopeful town—products of the speculative spirit, which preceded the crash of 1857. This was selected as the judicial residence, where, in the fall of that year, the household penates, and belongings were gathered. It had many citizens, capable, estimable and energetic, worthy of further reference if time permitted. In the warm, wet summer of 1858, its crop of cererals, vegetables, malaria, and mosquitoes was abundant.

But the collapse came. Business began to vanish. Its best people sought other homes. Gradually

“They folded their tents like the Arab,

“And silently stole away.”

Years afterwards, the locating of the county seat near by, at Blair (non-existent in those days), finished DeSoto. Two modest brick dwellings now constitute the town. Its present status is somewhere between that of buried Pompeii and Goldsmith’s “Deserted Village.” I, at one time, added to my poverty by acquiring some of its city lots. By stratagem (excusable I hope) I decoyed an enterprising speculator to bid them off for delinquent taxes. And now, when the railroad carries me by the well-remembered town, I smile as I see the luxuriant corn tassels waiving above my lots.

It was a special feature of the territorial system, that the local business was done in each county; and that of the United States, civil and criminal, in one place only. Dakota City was designated for this purpose. There, twice a year, were convened United States juries, grand and petit—chosen from the district at large. Besides the local bar lawyers attended from the lower counties of the

territory, and from Iowa. These things added, in popular estimation, to the dignity and importance of the court at that point. The federal business was in charge of Experience Estabrook, as United States Attorney. B. P. Rankin was then United States Marshal. George W. Doane, who first located at Decatur, an efficient prosecutor, became the territorial District Attorney. The sessions were usually from one to two weeks each term.

Dakota City was also the location of the land office, established early in 1857, for a large district in north-western Nebraska; and, as a central point, it acquired prominence, and local importance. The land office was opened for filings in the fall of that year, and the rapid settlement, and numerous entries created for it a large business. Some of its most efficient officers were its first register, J. N. H. Patrick, then and still active and prominent in Nebraska life and affairs; and Dr. George B. Graff, now deceased, appointed from Indiana in 1859, to succeed John C. Turck. Among its citizens of note were the eccentric J. D. M. Crockwell; Barnabas Bates, still a resident; William H. James, afterwards acting governor of Nebraska; Father C. D. Martin, of newspaper and "novel" fame; and William F. Lockwood, my successor as judge. It contained the principal hotel of the north country, stores, manufactories, and other business concerns; and its intelligent, active, and enterprising people had unbounded expectations for their town. Let us hope they still retain them.

We must not overlook Tekama, or the well remembered pioneer, and host of that early time—Maj. Olney Harrington. In our journeyings up and down, Tekama, midway between Omaha and Dakota City, was the usual halting place by day or night, as chance might be. We must not forget the luxury of the open fire-place in his cleanly kept, half log, half frame house, at the foot of the bluff; or the tempting cuisine of the most excellent hostess. And well do we few, who remain, remember how

the cheerful story and jest; the legal sparring, and the give-and-take, good natured thrusts filled the evenings by the glowing fireside. The genial Major has gone to his rest.

Tekama, when I next saw it after those years, had acquired a railroad, a genuine court house, many hundreds of people, with churches, school houses, beautiful homes, and all the accompaniments of a prosperous and permanent town.

Let me avoid tedious recital as I near the limit of allotted time. The course of regulated justice is not fruitful of startling, or picturesque incidents. It is enough that the early work done in the judicial field sufficed to establish system and order for the future. Terms were held regularly, and promptly. Dockets enlarged with the increase of people, and of business necessities; and it may be said, in a modest way, I hope, that the judicial machinery was brought into, and kept in efficient working order.

There was a sincere effort to administer the law rightly, "without fear, favor, or hope of reward;" and with such dignity and decorum as befit the temple of justice, no matter how rude. Yet the environments were not always propitious. Court houses were improvised from halls, school houses, store rooms, or abandoned buildings. In the newer counties, it happened to me to hold the first terms ever appointed. The inhabitants were not familiar with the usages, and punctilios of courts. Some things had to be tolerated which would have startled the King's Bench; or amazed the Judicial Nine who compose the Supreme Court of the United States. One jury came in, after a two days' trial of a criminal case, full and elaborate instructions from the court, and several hours deliberation, to inquire whether the prisoner "had plead guilty." Set right on this important point, they presently returned a verdict of acquittal.

On another occasion, a jury was out when a recess was

taken, at the close of the day. The sheriff was directed to notify the judge when the jury should agree. In the evening, there was a resounding tramp on the stairs, and in the hall way of the hotel leading to the judge's room. The sheriff, at the head of the procession, opened the door, handed the judge a paper with a pleased air, and announced, "Your Honor, the jury has agreed. Here is the verdict." A counter march was ordered; and the verdict taken at the court house with due solemnity.

But even in the older county of Washington, there was once a rather unique reception of a verdict. In January, 1861, near the close of my term, Chief Justice Augustus Hall, successor of Judge Ferguson, held court at DeSoto for two or three days. The jury was out, in a strongly contested criminal case, and, at reasonable bedtime, had not agreed. The Chief Justice retired. He occupied the choice guest room of the hotel, which was directly over the office (there were no "corridors" in Nebraska then), and warmed by a stove pipe through a hole in the ceiling. Towards midnight, the jury agreed. It was marshalled into the room beneath. The judge had risen; but his "robes" were not strictly judicial. Down through the stove pipe hole, he ordered the clerk to call the jury, and take the verdict. It was for the defendant. Again came the order, "Clerk, record the verdict. The prisoner is released. Sheriff, adjourn court until tomorrow morning."

Yet Nebraska had no better judge than Augustus Hall. With strong intellect, abundant legal learning, intuitive good sense, and perception of the law, and a rugged integrity, which nothing could shake, he administered justice, somewhat careless of form, or etiquette; but with accuracy and the unquestioned confidence of the bar, and the people. The above was his last judicial service. He soon died, sincerely mourned by all who had known his sterling worth.

The occasion does not permit individual reference to the men then and since influential in their localities—

some of them conspicuous in the affairs of the territory, and state. These must be left to other chronicles.

As the years went on, there were accessions of settlers. New farms were opened. New homes were reared. The area of cultivation was enlarged. Cattle multiplied on the bottoms, and the uplands. The country more and more took on an aspect of comfort, thrift, and independence, which increased with time. In the general progress of the new northwest to influence and power in the nation, northern Nebraska has had its creditable part.

The Third Judicial District of the early days is no more. The territory of Nebraska became a state. The counties composing the district were, from time to time, assigned to others. New counties, and new districts were created from the original area. But more than this. New Territories, and new States have been carved out of that great unpeopled region to the north and west, comprized within the limits of the district in territorial days. All this, within the experience of some then in the full activities of manhood, and who have not yet wholly laid them aside. Judges have come, and judges have gone. But the work inaugurated in that early time has gone uninterruptedly forward.

Time and change and death have bent the forms, and whitened the hair, and thinned the numbers of the pioneers who, in the beginning, turned the prairie sod, and built the homes of Washington, Burt, and the upper counties. But the foundations which they laid, firm and strong, for the development and prosperity of the future years, endure,

FREIGHTING ACROSS THE PLAINS IN 1856. A PERSONAL EXPERIENCE.

MOSES H. SYDENHAM.

The subject I have chosen for my address is simply an individual and incidental experience in connection with the planting of civilization in Nebraska, showing the relation of the early overland freighting business with ox wagons, to Nebraskan civilization and its progressive development of to-day. At one time I had much valuable data in my possession relative to the freighting business; but several boxes and barrels of valuable documents having been burned up in a prairie fire, I cannot do justice to the subject in a general way, and can therefore do no more than give my own personal experience of a trip from Fort Leavenworth to Fort Laramie and return as far as Fort Kearney, in the fall and winter of 1856-57, leaving you to judge of its relation to history and civilization.

Having come to the Northwest from near Augusta, Georgia, in the summer of 1857, the month of August of that year found me working in the office of the *Kansas City Enterprise*, at Kansas City, Missouri. In the month of September I was taken sick with bilious fever and so reduced in strength that I was hardly able to walk. I soon came to the conclusion that a change of climate would be the best thing to restore my health. About that time several other men were desirous of leaving Kansas City, and a party was made up, myself among them, to go down the Missouri River to Cairo, Illinois, the new

city at the mouth of the Ohio River. While the boat was being built and near completion, an agent of the government freight contractors, Messrs. Russell, Majors, and Waddell of Lexington, Missouri, came to Kansas City to secure men to take a train of wagons loaded with freight, from Fort Leavenworth, Kansas, to Fort Laramie, at the foot of the Black Hills of the Rocky Mountains, in what was then Nebraska Territory.

The agent came to the hotel where I was boarding, made his business known, and very urgently pressed me to accept his offer, and make one of the party. At that time it was hard to get anyone to go on a trip of that kind, by reason of the lateness of the season, the hostility of the Cheyennes, and other difficulties that would possibly have to be encountered. I explained to the agent how sick I was, which he could also see from my appearance; but he importuned and would not be put off. He said I would soon be strong again after I had been out on the plains a few days. So, as the compensation offered was good, I finally concluded to give up my contemplated trip to Cairo, and go on this trip to the Rocky Mountains of the far West, and before the day was over was on a Missouri River steamboat en route to Leavenworth City, at which place was the outfitting establishment of the contractors.

The freighting business across the plains at this time was mostly done by Messrs. Russell, Majors and Waddell, the business being confined chiefly to the hauling of supplies for the United States Government to the various military posts or stations located between the Missouri River and the Rocky Mountains. The contract for carrying supplies was usually let to the lowest and best bidder, the successful party having to do all the hauling for certain named forts for a stated length of time, at a stated price per pound of freight. Messrs. Russell, Majors, and Waddell were the successful bidders and regular contractors for the year 1856.

Aside from the government freighting business, there was little done in the freighting line. The soldiers at military posts had a train go out about once a year, the size of which was according to the number of soldiers at the fort where they did business. Many emigrants went overland each year to California, Oregon, or Utah, with wagons, outfits, and supplies, but which could hardly come under the head of *freighting*.

A freight train in those days was composed of twenty-six large-sized wagons made to haul 6000 pounds or more to the wagon; each wagon being drawn by six yoke of large oxen, with one man to drive and control each team, and a wagon master and assistant for each train. It was a novel sight in those days to see perhaps three or four or more, of these trains in sight on the prairies at one time, some going east, and some going west as the case might be.

Leavenworth City, Kansas, was the general outfitting depot of the contractors. Here were large parks of wagons, immense herds of cattle, great stacks of yokes, and piles of chains ready always for business. Besides these a large mercantile store for the convenience of the men employed, where they purchased what supplies they needed for a trip in advance, the cost thereof being deducted out of their earnings.

As soon as I reached Leavenworth City, all was commotion, the train was to be made up immediately. So all was hurry to get ready. In this case, however, it was only a half-train of twelve wagons, to haul some important freight to Fort Laramie before winter set in. Very soon we had the train made up, each teamster supplied with what he needed, besides revolver, shot-gun, or rifle, and ammunition for the exigencies of the trip, and we were on our way to the quartermaster's storehouse at Fort Leavenworth to load up the government stores, which were to be transported across the plains, a distance of something between six and seven hundred miles.

What those stores consisted of can only be imagined. It was doubtless a general assortment of goods needed for a representative civilized community, as the inhabitants of every military post were known to be. There was, of course, a large supply of corn for the post animals, flour, sugar, coffee, and other groceries; ammunition, perhaps, with some needful medicines; also a box of books for the general good, to pass away the coming long winter nights, and convey some new thoughts from the centers of literary intelligence in the far East. Perhaps there was a box of books for some one at the Fort from some personal friend, sent in the care of the Quartermaster, for this was the last opportunity of conveyance before the year ended. Of the greatest importance to the future well-being of the western country and the coming civilization, might have been some of the contents of that train load of freight which we took into our wagons then at Fort Leavenworth.

But we were soon on our way westward with it, and slowly but surely moving on toward the mountains. Then there were but few settlements and farms west of Fort Leavenworth, so that we were soon traveling along over the great prairie, which extended hundreds of miles ahead of us.

The first large stream we crossed was the Big Blue, at a fording place near where the city of Marysville, Kansas, is now situated. I remember some of the cottonwood trees on the river bottom there, which were somewhere about three feet or more in diameter. The next place at that time was the crossing of the Big Sandy Creek. Here a man named Patterson had a stockade made of hewn logs known as Patterson's Ranch, where he did some trading with the travellers and the friendly Indians. There was nothing on that trip that escaped the notice of an observing man,—most of which I remember as plainly as though I were on that trip, and this was nearly forty years ago.

It was soon after leaving the Big Sandy that we came across a large extent of burnt country—that is, there had been a recent prairie fire, and it was burning then—but for a whole day, I think, and part of the next, we traveled over this burnt prairie. It was to me and to all of us a most desolate looking region indeed. On all sides was a perfect blackness as far as the eye could see, the only relief being the blue sky above and here and there some partly burnt white bones of some buffalo or other animal. It was a perfect picture of despair, with hope left out. But I knew that that would end; that the winds would come, the winter come, the snow or rain come again, and and springtime come; and then where all this blackness was, the earth would take on its beautiful green and the beautiful flowers would come, and all be brightness and cheerfulness again.

The next object of attraction was when we came to the summit of the sand hills bordering the Platte Valley. For there in the distance my eyes first saw that grand valley of the Platte spread out as far as the eye could reach, with the waters of the river glistening in the sunshine, and the dense groves of trees on the islands making a fine relief to the scene. Along the level valley of the Platte River we had to travel something over four hundred miles.

The next day,—it must have been October 20—the flag of Fort Kearney came in sight, and with it the Fort, looming up like an oasis in the desert. Fort Kearney! Name full of interest to the early freighter and the early settler of central Nebraska and the farther West! Fort Kearney! Name so full of historical incident and reminiscence! What could have been the freighting business across the plains without Forts Kearney and Laramie, and other forts dotted over that great plateau lying between the Missouri River and the Rocky Mountains? There would have been no freighting, that is all, and there would have been no need of reciting this personal experi-

ence to-day. Fort Kearney! There within sight of the star-spangled banner waving from the flagstaff, every man connected with the freighting outfit felt that he could rest for a short season at least, in mind and body, and get whatever supplies might be needful for the rest of his journey. Fort Kearney! How time's memory comes springing up before me, as I think of the men and scenes associated with it, that have come and gone.

When we arrived there in October, 1856, the officer in command was Capt. Wharton of the Sixth United States Infantry. There were two companies of Infantry there then, and two companies of dragoons or cavalry. The fort buildings were built of three classes of material, wood, adobe and prairie sod, while a double row of cottonwood and ash trees lined the drive-way around the parade ground.

These evidences of civilization were what greeted the eye of every delighted beholder as each viewed the scene before him. To one, however, who lived there so many years of his life, the historical place has particularly stirring memories—especially of brave men whose destinies in life fell so far apart in life's affairs by reason of their different and varied sentiments. There were army officers trained in the same school even, and fond companions in garrison and camp life, who would afterwards meet each other or face each other's shot and shell on opposing battlefields of bloody carnage and destruction. I can see some of those men in memory now as they sat silent and thoughtful in the private room of my post office, listening to the reading of the telegrams just fresh from the stilus of Mr. Ellsworth, our telegraph operator, as he wrote sheet by sheet from the ticking telegraph before us for fort Fort Kearney and the Pony Express, to convey to Denver, Salt Lake, and San Francisco the momentous and alarming news of the firing on Fort Sumpter. These with many men of prominence in public affairs later on in life, whom I have seen or spoken

with, or associated with at old Fort Kearney, all come plainly before me, strangely mixed in this mention of personality,—but who will all be familiar to some of you, by reputation if nothing more. Do you recognize them as I call the roll of men of historic fame or renown? Gen. W. T. Sherman, Gen. Pope, Gen. R. H. Anderson, Gen. Beverly H. Robertson, Gen. Miles, Gen. Ruggles, Gen. Hawkins, Gen. Joe Johnston; Gen. Carrington; Gen. Livingston; Ex-Gov. Alvin Saunders; Lt. Gov. Thos. J. Majors; Gen John M. Thayer; Maj. Lee P. Gillette; Dr. John E. Summers; Dr. Geo. L. Miller; Gen. Harry Heth, Post sutler and interpreter; John Heth; Col. A. J. Dallas; Col. Chas. A. May; Maj. Morris; Maj. McCown; Col. Alexander; Dr. Alexander; Dr. R. B. Grimes, with many others. Besides the individuality, incidents are recalled, to add to its historic fame, such as Indian alarms and Indian demands; the spiking of the cannon to prevent their being sent South; the insult to Gen. Sherman by an enemy, which caused the immediate abandonment of the Fort; together with other incidents that might be recalled.

But enough. We are freighting across the plains and that means motion, so with all needful supplies secured, we gather up the cattle, yoke them, get them hitched to the wagons, and then, with a "Gee Buck" and "Wo-ah, Sandy, Get Up Black and Go Along Brandy," the chains are tautened, and with one more good look at the Fort and its surroundings, we roll along towards our next stopping place and destination, about three hundred and fifty miles further west, Fort Laramie.

By this time the men had all become well disciplined in all the needed requirements of the trip, which was very necessary for its successful accomplishment. It was often the case that a mutinous spirit was developed among men when teamsters and wagon masters did not always work together in harmony. We had a man in command, however, who was in every way capable of filling the responsible position.

It was just as it is on board a ship; each man had to be ready to obey orders at a moment's notice—for in case of a sudden visitation from hostile Indians, quick movements and a singleness of purpose would have been necessary—the wagons quickly parted; the cattle quickly unhitched; a defensive corral formed with the chains; the cattle secured and the loaded guns ready for instantaneous action.

The rules of Alexander Majors, one of the government contractors, were found to be of valuable service with every train that went out on the plains. No swearing or profane language was allowed, and no drinking of strong drink, or gambling under any circumstances. With such requirements faithfully adhered to, the men soon got to be quite orderly and under perfect control, and of course much better fitted to contend with the rough and trying experiences of such a trip.

After leaving Fort Kearney two or three days more found us in camp at Plum Creek, where we had to contend with a snow storm of about two days' and nights' duration. With cattle depending on the grass for their food, and that grass yellow by reason of loss of vitality and the approach of the winter season, it was hard to hold the stock for the beating and blinding storm. But with all the hardship of that storm, I have often thought we were well favored, when compared with a storm that came seven years later at the same place, when every teamster with twelve wagons had to take a storm of flying arrows and bullets from about two hundred Cheyennes, and every one scalped, not a man being left to tell the tale.

But such are some of the incidents connected with early freighting, and the keeping up of the connection of eastern civilization with its little counterparts and representative military settlements in the wilderness of what was down on the maps as the *Great American Desert*.

In the storm at Plum Creek, we managed to hold our stock, and as soon as the storm was over we were soon

again wending our way westward up the valley of the Platte, and passing on by the junction of the South and North Platte rivers. The next object of interest was O'Fallon's Bluffs, a point on the south bank of the South Platte, where the bluffs came squarely up to the bank of the river, and the road we tracked was over the top of those bluffs, from which point we soon arrived at the crossing of the South Platte, the usual fording place for the teams of wagons.

Here, of course, all was excitement and extra energy, till the last wagon was got across the river. Two teams, making twelve yoke of cattle, were usually hitched to a wagon—"doubling up," as it was called—to get each wagon through the water and the quick-sands of the stream. But time and perseverance soon had us all over and on our way across the divide between the two Plattes, a distance of about fifteen miles, to a place called Ash Hollow, a canon of the hills bordering the north side of the North Platte valley. Here the hills were so steep and crooked that the utmost care had to be exercised to keep the wagons from capsizing. No calamity happened with us, however, and we were soon at the mouth of the Hollow in sight of an abandoned earth-work, known as Fort Grattan, named after an officer who was killed in an engagement with the Sioux Indians.

From there we tracked up the North Platte river past many curiosities of nature in the hills bordering the river. The first of these, the Court House Rock, looked like the dome of a large building looming up in the sky, with many other formations around it, resembling steeples, turrets, and towers of buildings in a large city. Passing further up the Platte was another freak of nature in the form of a high towering rock on the top of a steep and high hill, the rock being about twenty-five feet or more through and square like a chimney of some factory—towering up into the sky several hundred feet, left there by the great waters that at one time covered this part of

the earth. This was known as Chimney Rock and could be seen a long distance before coming to its base. One more noticeable feature in that interesting country was the formation known as Scott's Bluffs. At this point the road ran through the hills, and close up to a straight, perpendicular wall four or five hundred feet high, after passing which we were soon in sight of the Laramie River. On the banks of this stream was situated Fort Laramie, with the pine-clad Black Hills of the Rocky Mountains in bold relief to the north and west of it.

Once more we were delighted with a view of the star spangled banner as it floated from the flag-staff of that military settlement, at the base of the mountains. Here our journey westward was to end.

It did not take long to view the situation of things, as I looked over, first, the manly figures of our brave soldiers in blue; then the houses and homes of civilized people; then the location of French Indian traders in the neighborhood of the fort; then Indians, squaws and papposes, here and there; all making a scene long to be remembered in a picture, a scene of the commingling of savage and civilized conditions of human development.

Here at this military post was the first glimpse of any human being since we left Fort Kearney,—a distance of about three hundred and fifty miles. Nothing was to be seen in all that distance but the grand prairie of Platte Valley and the tree-covered islands of the Platte River, in localities where they were prevalent, one near Fort Kearney being about sixty miles long—with hundreds of others of all sizes and dimensions near by it.

Fort Laramie was established by the United States Government to protect the emigrants traveling overland to Utah, Oregon, California and other of our far western territories, from attacks and depredations of the powerful bands of the great Sioux Indian Nation, and to keep open the communication between the eastern states and western territories of the Republic, so that American

individual enterprise and progressive development might in no wise be checked or interfered with. And even with this preservation of the military power of the Republic, the attacks of the Brule and Ogallala bands of Sioux continued to annoy, harass and interfere with our travelling people, so that a special expedition had to be sent against them, under Gen. Harney, who attacked Chief Little Thunder, on the Blue river, near Ash Hollow, in the fall of 1856, severely chastising him and burning his villages.

Considering the hostile temper of the Indians and their interference with the development of American civilization, the importance of the establishment of such military posts as Forts Kearney and Laramie and others, is plainly evident. And in connection also, the important point was that freighting business of these days was the great chain, as it were, that kept them in close proximity to their base of supplies on the Missouri river, and in bonds of hope and sympathy with that great civilization which existed nearly seven hundred miles away.

But we must be moving on. Our freighting expedition is not yet ended. We have yet to return to Leavenworth. So with the supplies all safely deposited in the Quartermaster's and Commissary's store houses, we prepare to return.

In the first place the wagons are all parked for the winter, and the cattle driven into winter quarters to be kept over for next year's business, large quantities of hay having been cut for their subsistence. Then with one light wagon to carry our provisions and bedding and six head of horses and mules, we bid farewell to Fort Laramie and are headed again for the point from whence we started, Leavenworth City, taking sufficient provisions to last us to Fort Kearney, where we expected to lay in a further supply to last us till we reached our destination.

So with light hearts and cheerful spirits we entered on our east-bound journey—aiming to travel as much of the

distance as possible every day. I think it was the evening of the third day after leaving Fort Laramie that our party of thirteen men, including the wagon master, John Renick, arrived at the mouth of Ash Hollow, after traveling all day through from six inches to a foot of snow, the result of a recent snow storm. When we arrived there another snow storm had commenced and with a strong north wind,—the atmosphere having gone down to below zero. We got into camp as quickly as possible, happening upon a spot where there was a very good supply of dry cedar in the bluffs not far distant. That snow storm developed into a genuine "blizzard," which lasted over two days and nights, and when it was over a thermometer would have indicated about thirty degrees below zero. We crowded ourselves together as well as we could in the one small tent we had, leaving a large fire burning in front of the tent door all through the night, it being kept burning in good shape by the night watch.

After the storm was over, however, all egress from the canon was impossible, for the great drifts of snow piled against the bluffs we had to pass over. On the level prairie beyond the bluffs we discovered the snow was also too deep for us to travel through, so we had to stay, await a change of weather, and make the best we could of the situation. As soon as we could, we moved our camp a mile or more up into the canon to where the wood was more convenient.

For a time the prospect looked very gloomy, from the fact that our provisions were nearly gone, and there was no possible chance apparently for getting more supplies. About two days after going to our new camp, however, a party of Ogallala Sioux Indians came by with their ponies loaded down with fresh buffalo meat, which they were taking to their camp to dry. The Indians were quite friendly, gave us some fresh meat, and also the information that their camp was but a few miles off, over the bluffs by a spring, at the mouth of another canon

opening into the valley of the North Platte River. They invited us to come over and stay at their village, telling us also that the French traders, Dripps and Madret were there; and could possibly let us have some provisions.

Just as early as possible we found a way to get to the Indian village. Provision was scarce with the traders, but they kindly let us have one sack of flour at \$20.00 per hundred, and a little corn meal at a proportionate price. So we had the pleasure of having a small piece of bread twice a day with the buffalo meat, of which we had about all we wanted. The absence of salt, however, made it to our tastes somewhat insipid. The corn meal we got was to make a feast for the Indians of corn meal mush and sugar, which we were advised to do, to gain their general good will, these being the same band of Indians who, together with the Brules, had been severely chastised by Gen. Harney about a year previous. In return for our present to them of corn meal and sugar, a large number of them congregated together, formed a circle, and gave one of their "dances" for our benefit, the squaws also evidenced their good-will by taking two wagon sheets and making them over into a lodge or "wigwam," similar to those made for themselves of buffalo skins. So while our party remained at the Indian village, some lived in the tent and some in the lodge.

Before we had got our lodge made, however, and but a few days after we had arrived at the Indian village, we made an effort to continue our journey east by packing our animals with bedding and provisions, and starting down on the ice of the North Platte river. In this proceeding, difficulties and obstacles were in the way, which prevented the accomplishment of our purpose. We had not got far from the Indian village before the ice got to be very glassy and slippery, the animals with the packs on their backs, falling down every now and then, necessitating a continual unpacking and repacking, so that when night came on us we had only got about eight miles, and

then we could not drive a tent pin to put up our tent, by reason of the frozen sand, we being obliged to stay on a sand bar of the river all night. We stacked our guns and tried to make some shelter by hanging the tent over them, but the wind was so strong nothing could be done, and so with the atmosphere about ten degrees or more below zero, we laid down on the sand bar all night with our scanty bedding, half frozen, shivering, and unable to sleep. Then in the morning there was no wood near or in sight but a sodden log found on the river bar. We tried to get a fire and make some coffee, but our attempts were a failure. Consequently the wagon master called all together for a "council," to determine what was best to be done under such circumstances. It was the unanimous opinion of all that we return to the Indian village, for to proceed would only be starvation and death. So to the village we returned, remaining there full five weeks longer, by reason of the continued conditions of the severe winter weather.

Then, I think it must have been the twenty-second day of January, the mail from Salt Lake City—a monthly mail between Salt Lake City and Independence, Missouri—arrived from the west in charge of Messrs. Eph Hanks and Elder Little of the Mormon Church, they being the sub-contractors for carrying the United States mail on that route. They had an ambulance and four mules and travelled down on the ice of the river. On their arrival arrangements were made for our party to travel down the river with them, the advantage being that their experience together with our helpful force, might overcome any difficulties in the way of our progress, and thus we might get safely through.

So we started, and our party was just sixteen days making that hundred and sixty miles from the Indian camp near the mouth of Ash Hollow to Fort Kearney. The mail party's animals being rough shod, they were able to make better time on the ice and thus reached the

Fort about two or three days before we did. Captain Wharton, the commander of Fort Kearney, was by them informed of our needy condition, and he immediately had a wagon sent to meet us with a supply of provisions.

In the mean time we were having all kinds of experiences traveling on the river. There were places where for miles the river was as smooth as glass and very slippery. Then the animals would slip down, and we would have to take them one by one and drag and push them on their sides over the ice till we could find a place where was some snow or a bare sand bar on which they might get up. Then again, at other places, there were open channels that we could not get around, running with mush ice to the depth of four or five feet or more in places. Here we had to unhitch the animals from the wagon, carry the bedding and provisions over on our backs and shoulders first, lead the animals through, one by one, and then pull the wagon through as best we could, the icy coldness of the water giving us a severe chilling as we passed through. In other places there was what was known as shell ice to contend with, that was where large areas of thick ice had become overflowed by the channels, forming another layer of ice six inches or a foot above the other, to the thickness of about one inch. This was difficult for the animals to walk through and cut their legs as they tried to step along,—the ice being somewhat sodden—every step made a hole just the size of the foot, the foot having to get out of that hole carefully with every step made, and then at times cutting their legs and making them bleed badly. Not only had our provisions given out, but the fatigue of overcoming these difficulties made us all weak, so that even our guns were therefore all buried beneath the snow under a cottonwood tree with an eagle's nest in it, on an island near Cottonwood Springs. Some of our personal effects were thrown away; and even the bed of the wagon was used up for kindling wood, and to lighten the burden on animals and

men. Two of our animals were left to perish, by reason of the lack of food, there being very little corn we could get, or carry for them, with the grass all buried under the snow. The bark and buds of the cottonwood trees which we cut down for them to eat, was not sufficient to sustain life, and they had to succumb.

I remember, when the wagon of provisions from the Fort met us a little west of Plum Creek, how joyful we were. The last meal we had eaten that morning was the shakings of the flour sack and the shakings of the gunny bag which held the dried buffalo meat—all put into a camp kettle and stirred up with some water, and that without salt and burned by the cook withal. What an insipid mess it was! But even a cupful of that was precious to us then.

With the meagre fare we had been obliged to live on, with the dreary monotony of the snow-white river, with the snow everywhere in the valley and on the hills beyond, with the wolves in packs howling along on the hill tops, and part of the way we were blinded by the dazzling whiteness of the snow and fatigued by the experiences of the trip, I was glad indeed when once more we beheld that dear old flag of hope and promise floating from the flag staff of Fort Kearney.

We arrived there on the ninth day of February, 1857, from the west, and the night of the day on which we arrived brought with it another blizzard, the like of which I have not seen since. Most of our men were in a sod building a short distance from the Fort. Another man and myself remained in our Indian lodge a few rods from the home. When the storm came up in the night, the wind blew over the lodge and I remained buried under the snow all that night and most of the next day. The storm lasted about two days and nights, leaving immense drifts when it was over. All the one story buildings at the Fort, with the hay stacks around, were all drifted under. Cuttings had to be made through the drifts to

the doors of most of the quarters to let the inmates out, after the drifting of a night. One young man, a German, who was clerking for Messrs. Dyer, Heath & Co., the sutlers, in going from the officers' mess house to a building a few rods from the post, where he was going to sleep, missed his way in broad daylight, wandered off, and perished—the Pawnee Indians finding his remains the following April some five or six miles out in the hills.

And now I hardly like to close this narrative of events without mentioning one incident of this trip closely connected with my past, present, and so much of a future of life on earth as an all-wise Providence chooses to bless me with. This was an important event in my life connected with a triple dream, as my narrative will explain; for to give this experience of a trip across the plains without this incident, would be like the play of Hamlet with Hamlet left out.

On the return trip from Fort Laramie, the first night after our party had moved up into Ash Hollow from its mouth, after the cessation of the storm of November 30, I had a very impressive dream. I dreamed I was standing on a river, about ten or twelve feet from a low bank, three or four feet high, and on that bank there appeared a spirit in the form of a human being but with its face all beautiful light instead of mortal in appearance. And the spirit said, "*I will be with you before you reach Fort Kearney.*" I seemed to be awe-stricken or spell-bound with the supernatural sight and turned to get away from the spot. I first looked to the west and there I could see a number of men coming ten or twelve rods off. It did not seem as though that was the direction I should go, so I turned eastward to run. Directly in front of me however all progress was barred by the appearance of two great iron gates closed together. They were beautifully made and of exquisite finish in graceful curves and attractive artistic lines. They were twenty or twenty-five feet high. Just then, power seemed to be given me to fly, and I flew

to go over the gates;—but as I was going over the top of them I awoke, perspiring greatly from the impression made by the dream.

I knew then that something was going to happen me before I reached Fort Kearney,—but knew not in what way it would come.

About two weeks after this dream of mine, when staying in the Indian village, I was going from the lodge to the spring to get some water. Passing by the tent where a part of our companions slept, one of the men came out and greeted me very cordially, saying, “Good morning, General!”—“General” being the name the men gave me on the trip. He said, “I’m so glad to see you.” Now this man, on all the trip up to this time, although with me so often, had not said a kind word before, indeed had some kind of prejudice or antipathy that I could not account for. From the change in his manner towards me, I knew that he had been dreaming about me, and so I said, “You’ve been dreaming about me Mr. Elliott, have you not?” He said he had, and that in his dream he thought I was dead, and his impression was that I had been kicked into the river by a mule. He said that he was glad to see me *alive*. I thanked him for telling me and went on my way—this being a second visitation foreshadowing that something would happen to me of a serious nature before reaching Fort Kearney.

About four weeks after Mr. Elliott’s dream, we started down on the ice of the Platte to go to Fort Kearney. The first night out, our cook, an Irishman named Morrison, had a dream. In the morning as we were all lying on our blankets and buffalo robes around the lodge fire, our Irishman, who usually was a humorous man, having something funny to say very often to “lighten dull care,” with a very grave demeanor said: “There is something going to happen to one of us before we reach Fort Kearney. I know it from a dream I had last night.” He said, “I dreamed one of us was dead,—I don’t know which, but I

thought one was dead, and the cub [a young man named Bear, in the party] said, "*Oh, never mind him. Let the wolves eat him up.*"

As I lay there I was deeply impressed with the fact that this third dream only confirmed the other two dreams. So I kept these things all to myself, not telling any one about the other dreams.

That morning we resumed our traveling eastward on the river. In the course of the afternoon of that day, as we were traveling along, scattering, some ahead and some in the rear, I had a feeling of thirst come upon me. As I passed along about twelve feet from the south bank, there was a hole in the ice about six inches across, the water showing itself very temptingly—since we could not get water till we should come to camp and cut a hole in the ice with the axe to get it, without thinking of any danger, without thinking of any dreams, and with the tracks of the buffalo all around the hole in the ice, supposing it to be solid, I ventured on my hands and feet to stoop down and put my lips to the refreshing-looking water. Suddenly the ice broke and all the upper part of my body went in. It was deep there and black. I felt no bottom. I was held suspended there till help could come, and all that saved me from going completely under and being carried with the strong current under the ice never to be seen or heard of again, was my gun, which, being slung across my shoulder lodged on the ice and temporarily kept me there till rescued; for another minute or two, and all would have been over with me on earth.

While part of my body was in the water and my legs in the air, as it were, a man about a rod or two distant north of me stood laughing and pointing at me saying, "Ha, Ha, Ha ! look at the General!" Another voice from the men coming from the west, shouted out, "Pull him out quick, for God's sake, or he'll be gone in a minute," and upon that the man mechanically stepped up, caught hold of me and dragged me out. I stood up, and soaked with

water—it being also about ten degrees below zero,—as I stood there, I could see the same bank, the same river, I was standing on, and the same men in the distance, as I had seen it about seven weeks before in my dream. And the man who stood laughing—and mechanically came and pulled me out, was the man, Bear, who had said in the dream of the Irishman, Mr. Morrison, “Let the wolves eat him up.” And the man who by his superior will, had shouted, “pull him out quick,” was Mr. Elliott, the Virginian, who dreamed the second dream. As soon as I was out of the hole and saw the surroundings, I knew the danger was all over, and that I would reach Fort Kearney safely again, as I did.

But enough. The passing of time admonishes me that I must draw this paper to a close and what else remains to be said, must be as brief as possible.

With my arrival at Fort Kearney, my freighting trip ended. My companions, after staying at the Fort some days to recuperate and to give the weather an opportunity to get settled and favorable for traveling, resumed their journey to Leavenworth. I took the position of the young man who was lost in the storm, and became clerk in the sutler’s employ, taking charge also of the postoffice affairs of the Fort—by my appointment as postmaster, which position I filled for not less than fifteen years.

I have now given you a personal experience of one trip across the plains in the olden time. After the discovery of gold in Colorado and the commencement of settlement of that country, more or less freighting was done for merchants and miners; but it did not compare with the extent and systematized manner of carrying on the freighting business under these pioneer contractors, Messrs. Russell, Majors, and Waddell in those days. And that freighting business then, to the civilization of the Nebraska of today, was like the previous freight of Noah’s ark to a future civilization of the world, or the freight of the good ship *Mayflower* to the future civilization of the

United States. Without that freighting business there would have been no military posts, no such civilization as blesses Nebraska to-day, and no hope of that more glorious civilization which beckons us on to brighter things today.

NECROLOGY.

Rev. John Miller Taggart, was born near Philadelphia, November 17, 1817, his parents removing to that city when he was but a babe. He was of Scotch-Irish ancestry.

The first twenty years of his life were spent in Philadelphia, where the foundation of his education was laid. In those days the sensible method of teaching every boy a trade was adheared to, so at a proper age he thoroughly mastered the trade of stonecutting, at the same time making a special study of architecture. The knowledge of this was of much value to him in after years.

His memories of those early years were pleasant. Among the notable events was shaking hands with Lafayette, when all Philadelphia was offering grand ovations to the hero on his visit in 1825, as well as seeing the falling stars in 1833, and riding on the first train ever leaving that city, the track of which was twelve miles in length. The financial crash of 1837 caused him to seek employment in Washington, D. C., where he remained four years, gaining much valuable information during that period.

The year 1841 found him in Kentucky teaching or working at his trade, as most convenient. It was there he was converted under the ministrations of Elder Wm. Vaughan, who helped and encouraged him in his studies for the ministry. He was licensed to preach by the Baptist church at Bloomfield, Ky., in 1843, and ordained Dec. 27, 1845.

On the 14th of Nov., 1843, Rev. John M. Taggart was united in marriage to Miss Aimee Myers, at Lunbury, Ohio, having met her in Kentucky. They removed to Jacksonville, Ill., where he accepted a position as archi-

tect and superintendent of the Deaf Mute Asylum buildings. Not willing to neglect the Master's work, he did missionary work in many of the feeble churches near the city.

In 1855 he visited the territory of Nebraska, and the following year moved his family, consisting of wife and four children, to Fontanelle, then the county-seat of Dodge county. The trip, then a long and tedious one, was made in a carriage. The first winter was a hard one and intensely cold. The crops had been poor the previous season, and vegetables were scarce and high priced. Frozen potatoes were \$2.00 per bushel and other things in proportion. Supplies of all kinds had to be obtained from Omaha, the lack of bridges making the distance much greater than at present. Discouraging as it seemed, the settlers kept up brave hearts. Mr. Taggart, especially, was sanguine of brighter prospects, as he preached the gospel to mixed congregations and laid plans for future usefulness. Grand possibilities lay in this great land of the setting sun. Property was held at high value at Fontanelle, as it was to be the important point north of Omaha. Alas, for human expectations, Fontanelle has not yet reached that distinction.

In 1857 Rev. J. M. Taggart was sent as representative to the fourth session of the legislature, representing Platte and Dodge counties jointly. The boundaries have since been changed by legislative act, throwing Fontanelle into Washington county. This was the memorable legislature that was divided, by some difficulty between the House and Council, the majority adjourning to Florence to enact business their own way.¹ House Journal of 1857-8 gives amusing accounts of the exciting scenes of the time of disruption.

The names of J. Sterling Morton, Miller, Poppleton Marquett, Dr. Campbell and others, since well-known,

¹ *House Journal*, 4th Session, p. 151, Jan. 8, 1858. *Council Journal*, 4th Session, p. 124. [Ed.]

occur frequently on the pages. T. B. Cuming was acting governor at that time. Hon. Wm. A. Richardson, the governor, arriving on the scene a day or two before the close of the session, sent a message to Florence declaring all business transacted there illegal.¹ The bills introduced by Mr. Taggart, characteristic of him, were for schools, the opening up of new roads, bridges and general development of the country.

A scarcity of Baptist ministers south of the Platte was the cause of a trip down the Missouri River by Rev. Barnes of Omaha and Rev. Taggart. They went as far as Brownville, stopping at different points to preach. This led to a call from the Baptists of Nebraska City to Rev. Taggart to become their pastor. He therefore went to that place, where he labored faithfully some years, planning and helping to build with his own hands the Baptist church used until a new one was dedicated in January, 1895.

In answer to a call extended to him by the church at Blair, Mr. Taggart went to that place in 1870, remaining there nearly a year. About that time the Midland Pacific road was built from Nebraska City to Lincoln, and the town of Palmyra, between the two, was laid out on land which had been entered and proved up on by the subject of this sketch. Therefore, finding it to his interest to be there, he removed to Palmyra in the spring of 1871, expecting to make it a permanent home. And so it was, for, with the exception of some two or three years spent at Gibbon (where their youngest daughter was teaching in the Baptist Seminary) and a few months at Colorado Springs previous to his death, he and his wife always made Palmyra their home. During his residence there he was instrumental in helping to build a comfortable church for his denomination and other buildings for public use. After serving some time in the capacity of pastor,

¹ *House Journal*, pp. 172-174.

his health became poor and thinking a change might be of benefit, he traveled some months in the interest of a school book firm.

He died near Colorado Springs, Colo., May 17th, 1887, where he and his wife had gone to spend a few months with his daughter Mary, who thought the climate would be conducive to his health. A complication of troubles, terminating in disorders of heart and stomach, caused his death, which came all too suddenly after a very brief illness. His remains were taken to Palmyra for interment. There all the children had come from their different homes to pay their last respects to one who had ever been a kind and loving father. They are as follows: R. M. Taggart of Nebraska City; Miss Mary Taggart of Colorado Springs; Mrs. F. W. Kenny, Blair, Neb.; Mrs. Dr. White, South Omaha; and Mrs. A. W. Clark, Omaha. As seemed fitting, the son of the deceased, and the three sons-in-law acted as pall-bearers. Many friends from neighboring cities attended the funeral; the services being conducted by Revs. O. A. Williams, S. H. D. Vaughan, J. W. Osborne, J. M. Whitehead, E. C. Bemick, and Elder Pratt. The church was draped in mourning and many lovely floral offerings breathed their fragrance over the sad scene. The ceremonies at the grave were according to the Masonic order, of which order the deceased had been a member.

During the thirty-one years of Elder Taggart's life in Nebraska, he became well known throughout the state, not only in a ministerial way, but as one always interested in education or any thing else to elevate and uplift humanity. It was greatly through his influence, that the excellent school laws of the state are what they are. His pride in Nebraska was proverbial. He filled several positions of trust, among which were that of Grand W. C. T. of the I. O. G. T., and President of the Baptist State Convention for several terms. He was a man of wonderful resources, broad views, and was generous to a fault.

He loved flowers and little children. It was characteristic of him speedily to surround his home, wherever it might be, with trees and flowers, and children were never known to refuse his friendship. His life, like that of most mortals, was of mingled clouds and sunshine, but when the clouds were uppermost he often comforted himself and his loved companion with a favorite verse, "All things work together for good to them that love God." During the short illness preceding his death, he remarked to his wife that it seemed to have been his life work to *lay foundations* for others to build upon; that his work was done here upon earth, and he was ready to go. The following is an extract from a poem, "What is Death," written by Rev. J. M. Taggart in 1874, after the death of a friend and also of a grand-child. It was a source of comfort to the bereaved ones, that his wish concerning his last moments was gratified.

* * *

"But thou must come. Come then when thou art sent
 And with what weapons thou art bade to bring
 And I will welcome thee. Gibbet or cross,
 Or sword, or wat'ry flood, hot fever, sore disease:
 These all are one to me: The different gates
 Through which, in all the ages of the world
 His saints have entered into rest, and I,
 When that my time shall come, crave but the boon:
 That reason shall be spared, with latest breath
 To testify for my companion's sake
 And for my brethren's, as to the power of faith
 To cheer God's child while passing through the vale
 And shadow of the dark and dreaded death,
 And give triumphant victory over thee:
 But even concerning this; God's will be done."

—MRS. JEANETTE M. WHITE.

NOTES.

The recent appropriation of \$180,000 by the Wisconsin legislature, for the erection of a new building for the Wisconsin Historical Society, is worthy of note as marking the progress of that society. That organization has long stood at the head of the historical societies under the immediate patronage of the state, and by the energy and influence of its founders, as well as by the liberality of the people of Wisconsin, this historical society has become an object of just pride, and an object lesson to all other states. We congratulate that society upon such a mark of public confidence. A new building means still greater possibilities for work than before. It is pleasant to hear that the Wisconsin society is to build its new building on the campus of the State University. Possibly the Nebraska State Historical Society was the first to be located in or near the state university, so that the material collected could be accessible to the students of the state.

In this connection it is well to herald to the people of state the fact that the Library building in which the Nebraska State Historical Society has its quarters (thanks to the University authorities), is to be finished this summer by appropriation of the recent legislature. The work is already well under way, and very soon the society will be in finished rooms of permanent quarters. There will be, besides the room that the society has now, an office room, an unpacking room, and a room that will perhaps be used finally for the collection of G. A. R.

the men most interested in the collecting. The rooms when finished will be all that we could ask for. The large room in which the collections now are, will be closed by iron doors between it and the office. The room itself is as nearly fire-proof as it seems possible to make a room.

The Nebraska legislature of 1895 appropriated \$3,000 for the support of the society. This is thought by the officers enough to allow one man to give his whole time to the work. The librarian has already begun to secure the papers of the state not yet sent to the society. Only about one hundred papers now come regularly. It is the wish of the officers of the society that every paper published in the state be now sent. The Librarian is happy to report that 125 volumes of newspapers have just returned from the bindery. A list of these will be published hereafter, additional to the list published upon pages 124-126 of this volume.

Two very valuable manuscripts were presented to the society in November, 1894, by Geo. F. Parker, U. S. Consul to Birmingham, England, through the president, Hon. J. Sterling Morton. They are the manuscripts of the speeches of President Cleveland before the New England Society of Brooklyn, Dec. 21, 1891, in his own handwriting, and before the Commercial Club of Providence R. I., June 27, 1891, in Mrs. Cleveland's handwriting. Mr. Morton had the finest possible binding put upon these at his own expense, and returned them to the society through Mrs. A. J. Sawyer.

for the collection of which a constant effort is being made. But much endeavor will be made to complete at once a set of maps of counties. Really all maps of any one county should find a place here at the Historical society quarters. Not less important is it that, from now on, all the papers published in the state should find a place on our shelves. The society can now take care of all papers that are sent. Will the editors and publishers take hold of the matter and generously put the society on mailing lists. Not a paper should be lost. Here at the rooms the utmost care will be taken in the future as it has been taken hitherto, to preserve every paper intact. Editors should not miss an opportunity of visiting our collections and interesting themselves in the objects of the Society and its future usefulness.

The article by Mrs. Jeneatte M. White, concerning her father, Rev. Taggart, was written several years ago. By some mistake it was mislaid and only recently came to light. An apology is due for the tardy recognition of an old settler and loyal citizen.

Nebraska State Historical Society.

THIS department of the public work of the State was established by an act of the Legislature of 1883. Its headquarters are on the ground floor of the State University LIBRARY BUILDING, where its collections are kept. Into its fire-proof rooms is being gathered everything that relates to the history of Nebraska. As a matter of public record, for the use of all citizens of the State, the following kinds of material are sought, and anyone interested in the history of Nebraska will place the Society under great obligations by helping to bring things to the Society rooms.

1.—Original diaries, letters, manuscripts (or copies of these), papers and pamphlets, relating to the early settlement of Nebraska.

2.—Maps and plats of cities, towns, counties, and special sections of the country, together with exact dates and circumstances connected with the founding, location, or removal of any of these.

3.—Biographies of the early settlers, and of prominent people in the State, with photographs of the same.

4.—All the old files of papers possible to secure, especially the territorial newspapers. The Society will, in due time, bind all these that come into its possession, and place them where they may be referred to at any time.

5.—Histories and narratives of Nebraska regiments and companies in the Civil War and in the Indian Wars; and personal narratives.

6.—All books, pamphlets, speeches, catalogues of schools, etc., published in the State or relating to it.

7.—Photographs of men, women, public buildings, cities and towns, and Nebraska scenery. Everything of the kind that can be had.

8.—Relics of all kinds: Indian implements, fire-arms, garments, and things representative of the life of the various tribes that have lived in the State. Remains of prehistoric tribes, such as have been found in the State: pottery, etc. Fire-arms and relics of the Civil War.

9.—Besides books, pamphlets and relics that relate to the State, the Society is adding to its collection of colonial documents and papers. It is desired to collect here, for the use of the students of the State, all old papers, books, etc., relating to the history of the United States. Some very old papers have already been donated, and doubtless many citizens of the State have something to give.

Among the papers already in possession of the Society are three or four of the first files of Horace Greeley's *Weekly Tribune*, of 1841—1845. There has also been commenced a collection of old text-books, and anyone having such published before the war, and willing to send them to the Society, is requested to send word to the Librarian.

Those having large collections or valuable articles of historic value, which they do not want to part with for any reason, may place their collections at the Society rooms where they will be safe from fire, water, or theft, removable at the option of the owner.

It seems especially desirable that the State Historical Society rooms should be headquarters for the collection of G. A. R. relics, and to that end, old soldiers are cordially invited to use as large a part of the rooms of the Society as they need.

THE STATE HISTORICAL SOCIETY QUARTERLY.

WITH the summer of 1894, began the issue of historical material in the form of a quarterly magazine. From 1885 to 1893, five volumes of "*Transactions and Reports*" were issued, and very many complete sets of these have been distributed over the State. Henceforth, the Library Committee has decided, no more will be given away. It is desired to exchange the remaining volumes for such valuable historical works as the Society does not yet possess, or for Indian and other relics. Those very much desiring copies of Vols. I. to V., can get them in either of two ways: by exchanging books or newspaper files for them, or by purchase at the following prices. Vols. I. and II., \$0.50; Vol. III., \$1.00; Vols. IV. and V., \$0.75.

In this new form, by which the Society hopes to reach the people of the State more readily, will be published as much of the history of Nebraska as the appropriations will allow. Chroniclers of the annals of cities, towns, counties, and special localities will please to correspond freely with the Librarian of the Society, and voluntarily write down and send in articles, or data in any convenient form, on all such subjects as the following: *Freighting, Overland Travel before 1868, Indian Tribes, Indian Chiefs, or noted warriors, Special Settlements, Founding of Academies and Colleges, Indian Wars, Local Incidents of historic value, Civil War history, Authentic explanations of names of cities, rivers, counties, etc.*

Office and Collections at Library Building, State University, Lincoln, Neb.

Post Office Address, box 1531.

NEBRASKA HISTORICAL SOCIETY

PROCEEDINGS AND COLLECTIONS

PUBLISHED QUARTERLY

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"Tree



Planters"

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lishes or it tones down, represses or intensifies here and there, as human prejudice or desire may dictate. But nowhere do we read of a different air or water in ancient times—as supporters of human life—from that which we breathe and drink to-day. There has been, then, no abrupt repeal, change, or amendment to natural laws during the mighty marches of the years and centuries across this world of ours since it first trembled in elemental space. The laws of light, of sound, of gravitation and cohesion, remain potent, exacting, and inexorable as when the revolution of the spheres began and the light of day first flooded the universe with its vivifying effulgence. Under the domination of these relentless laws in a great kindergarten the family of Man has been for thousands of years living and learning and repeating lessons. Until the art of printing came to embalm knowledge and perpetuate it, the learning of each generation was entombed almost wholly with those who developed it. Legends, manuscripts, and traditions transmitted only a modicum of the accumulated lore; and the greater volumes of experience and achievement were hidden in the grave with their authors. Nevertheless, certain of those ideas most essential to the advancement and elevation of the social status were so thoroughly esteemed, debated, and written out, that we, as the heirs of the intellectual wealth of all preceding time, now hoard them in libraries and treasure them in our memories. But we are merely trustees, and as such it is our duty to conserve and bequeath that inheritance to our descendants with as much useful increment as we are competent to evolve or produce, as to each integral part thereof. And as trade is the forerunner of civilization, and commerce its promoter and educator, this age is obligated to the future to improve the old and invent new methods for facilitating exchanges all the world over.

In a barbaric state, barter existed. Direct exchanges of goods for goods obtained. Then, emerging from tribal relations, man instituted various media of exchanges.

First, cattle were money. Then came flocks of sheep and goats. The large cattle-owner was the capitalist. The word "capital" coming from *caput*, a head, and the word "pecuniary" from *pecus*, a flock, illustrate the fact that the basic idea of money was value, both inherent and relative. Later on silver and gold became money. But for centuries they were not coined. Both metals were used to mediate exchanges. But neither of them bore any other marking or certification than that given by the goldsmith or the assayer, who merely verified the weight and fineness. His legend on the lump or ingot of bullion assured the trading public as to its purity and gravity. But standard economists never claim that attestation of fineness and weight, either by an assay office in ancient or by a government mint in modern times, adds value to the metals; though all agree that it increases the facility with which they may measure values and mediate the exchange of commodities.

Aristotle, who wrote in the fourth century before Christ, had a clearer idea of the character and functions of money, even in that early morning time of commerce, than many statesmen at this high noon of international trade seem to entertain. And that pagan philosopher said:

"Money is an intermediary *commodity* designed to facilitate an exchange of two other commodities."

And Zenophon, writing of Athens a hundred years later, and showing its advantages over other markets, says:

"In most of the other cities a trader is obliged to take commodities in return for those he brings, because the money used in them has not much credit *outside*; with us Athenians, on the contrary, . . . he takes his pay in *ready money*, which, of all negotiable articles, is the safest and most convenient, as it is secured in all countries, and, besides, it always brings back something to its master, when the latter judges proper to dispose of it."

Thus Aristotle saw the necessity of a *commodity* value in the medium of exchange, and Xenophon demonstrated

the importance of a general and unfluctuating purchasing power of value in money, to render it universally useful in the facilitation of domestic and foreign exchanges.

Thus we come to, What is value? Aristotle and the Roman lawyers among the ancient; and Adam Smith, Whately, Say, and Perry, with a multitude of other modern economists, have declared that value consists in EXCHANGEABILITY. And McLeod says:

"And what does exchangeability depend upon? If I offer something for sale, what is necessary in order that it should be sold? Simply that someone else should *desire* and *demand* it. . . . The sole origin, source and cause of value is *human desire*; when there is a *demand* for things, they have *value*. When supply remains stationary and the demand increases, the value increases; when the demand decreases, the value decreases, and when the demand ceases altogether, the value is altogether gone."

The currency of a country, therefore, must be always exchangeable for those things which its people desire and demand, and the currency itself must be desired and demanded by those who have the things to sell. The commodity seller buys money; and the commodity buyer sells money. Each seeks the highest quality in that which he buys, because with it he satisfies a demand; and in every legitimate exchange there are two demands and two satisfactions. In times of business depression money circulates cautiously and slowly, because people repress desires for many commodities which under usual commercial conditions they gratify. And thus demand for those goods decreases and their values decline. There are many Americans to-day who have their money hoarded merely because they are afraid to indulge in expenditures which, during a period of redundant circulation, they regarded as absolutely necessary to their daily comfort. Repressing desires, they have diminished or destroyed demand in many lines of goods, and yet an active number of citizens declare that the depression is caused solely by

an inadequate *per capita circulation* of money. Generally those citizens, however, while talking of a *per capita circulation*, are, no doubt, really thinking of a *per capita distribution*. But in the distribution of money each person can legitimately get only so much as he can honestly buy, either with a personal service or an exchangeable property or commodity. Each person can get money who has something to sell which some other person desires and demands. It makes no difference how plentiful the money supply may be: if one has no exchangeable service or commodity to offer which other persons desire to buy, he will get none of it.

To illustrate. In a community of 1,000 there may be found *per capita circulation* of \$100. Investigation, however, proves that one citizen has \$75,000, another \$10,000, and the remaining 998 have only an average of about \$15 each. And yet effusive statesmen, posing as the friends of the poor man, pathetically plead for an increased *per capita circulation*, as the only certain panacea for poverty, penury, and want everywhere. But these emotional fiatists never tell how any person, who has nothing exchangeable to offer therefor, is to get his *per capita* share. These hysterical publicists frequently indulge in economic paroxysms which, nearly always, result in attempts to promote the public weal by enactment, and in endeavors to provide prosperity by embodying fallacies in the forms of law. They totally ignore the fact that exchangeable things are necessary to circulate money—things desired, demanded, and, therefore valuable. They forget, seemingly, that there is no need of value measures when and where there are no values to measure.

Among the drought-stricken homesteaders in some parts of the sub-arid regions of Kansas, Nebraska, and the Dakotas, there are for sale to-day no edible commodities; and all the gold coin of the earth given to those unfortunates on the famine frontier, upon condition that it shall be used only in purchasing food grown among them-

selves, can avail nothing in ameliorating their hardships. It would create no exchanges, confer no comforts. A per capita circulation of \$100,000 each, under such restrictions, could alleviate no distress. Food, not funds; clothing, not coin; fuel, not finance—things which are always alert for exchange, because always desired and demanded—can alone assuage their misery. But, by a parity of reasoning, those who advocate more measures of value, a larger number of dollars as the infallible remedy for depressed trade, should now declaim in favor of a larger per capita circulation of peck, half-bushel, and bushel measures, together with steelyards, and scales, and yardsticks, and foot-rules, among those grainless fields, foodless families, and almost clothesless communities. Yet increased and gratuitous distribution of measures and weights among a hungry people who have neither food to weigh nor fabrics nor fuel to measure, would be a sorry satire upon starvation. But it would be as efficient and efficacious in ameliorating conditions as an increased *per capita circulation* would be in improving the pecuniary status of those who can offer nothing exchangeable for money which the owners of money desire or demand. The measures of cereals and other material things are useless where there are no cereals or other material things to be measured. And money is absolutely inert and inutile where no values are to be measured and no exchanges are to be mediated. The pioneers of Nebraska, which was opened to settlement in 1854, matured no crops to subsist upon until the autumn of 1855; and, therefore, for their first year's subsistence purchased grain and vegetables and meat from the adjacent States of Iowa and Missouri. And although the tilled area of Nebraska, when the first snow of the winter of 1855 and 1856 fell, was only a few acres, and the population of the Territory very sparse (and, therefore, the necessary and normal exchanges exceedingly limited), there was a large yield of indigenous frontier financiers who fervidly declaimed for

more circulating media. These primitive Populists then proclaimed, in that prairie wilderness, the doctrine of commercial salvation and everlasting prosperity through the grace of an increased per capita circulation. They declared that there was not enough money in Nebraska and adjoining States with which to transact business, and that the Legislative Assembly of the Territory should charter banks to issue money in volume sufficient to meet the exigencies of trans-Missouri commerce. Those pioneer advocates of financial vagaries and money fallacies used all the arguments, demagoguery, and emotional exhortation in behalf of their theory that their lineal economic descendants and disciples use to-day. And thus, during January, 1856, six banks were chartered for the purpose of making more money for circulation in Nebraska. The legislators who voted for them scouted all the teachings of political economy, and defied the inevitable and efficient operation of economic law in antagonism to a statute of their own sapient spawning. And here is the act which created a currency (each of six banks having precisely the same charter) of more than \$600,000 in less than six months, ostensibly to be circulated among a population of less than 20,000 men, women and children, who made up all the inhabitants of the Territory, which then included all the geographical area that now constitutes the two Dakotas, Wyoming, and a part of Colorado. In less than four months from the commencement of this experiment for banishing poverty and producing prosperity by an increased per capita circulation, the gold currency and its equivalents had disappeared. The far-seeing accumulator of sound money and the non-resident traders had taken it from the limited field of our exchanges, and had hoarded, hidden, and carried it away.

"AN ACT

"FOR THE CHARTER OF A BANK, TO BE LOCATED IN BELLEVUE, DOUGLAS COUNTY, NEBRASKA TERRITORY, TO BE CALLED THE FONTENELLE BANK OF BELLEVUE.

"SEC. 1. *Be it enacted by this Council and House of Representatives of the Territory of Nebraska*, That Jno. R. Sarpy, Peter A. Sarpy, Samuel Knepper, Jno. R. Cecil, L. B. Kinny, Phillip J. McMahon, Leavitt L. Bowen, Jno. Clancy, their heirs and assigns, are hereby appointed commissioners, and they or any five of them are authorized to carry into effect, from and after the passage of this act, the establishment of a bank, to be styled and called the Fontenelle Bank, and to be located at Bellevue, Douglas County, Nebraska Territory, with a capital of \$100,000, which may be increased, at the will of the stockholders, to any amount not exceeding \$500,000, to be divided into shares of \$100 each; and the said company, under the above name and style, be and are hereby declared capable in law of issuing bills, notes, and other certificates of indebtedness, dealing in exchange, and doing all things necessary to the carrying on of a regular and legitimate banking business, and also, to buy and possess property of all kinds, and to sell and dispose of the same, to contract and be contracted with, to sue and to be sued, to defend and to be defended against in all courts in this Territory.

"SEC. 2. That the commissioners herein appointed shall have power to cause books to be opened for the subscription of said stock in such manner and at such times and places as they or any five of them may appoint; that whenever \$50,000 is fully subscribed, then those making such subscription shall have power to choose a board of directors, whose duty it shall be to organize said bank by electing a president, vice-president, and cashier, and that in the election of said directors and officers each share subscribed or then held shall entitle the holder thereof to one vote, which may be given in person or by proxy."

"SEC. 3. It shall be the duty of the president or vice-president (either of whom shall be competent) and cashier to attach their respective names to all bills or notes issued by said bank to circulate as currency, and that the stockholders shall be each and individually liable for the full and final redemption of such issue, payable at the banking house in gold or silver, and that this charter shall have an existence and be in full force, if faithfully complied with, for the term of twenty-five years from the date of its passage and becoming a law of the Territory."

"SEC. 4. The stock of said bank shall be assignable and transferable, according to such rules and under such restrictions as the board of directors may prescribe, who shall have power at all times to make such rules and regulations as may appear for the well-being of said bank, not inconsistent with the Constitution of the United States and the organic law of this Territory."

"SEC. 5. The directors of the bank shall make, or cause to be made, through their cashier, under oath or affirmation, an annual report to the Auditor of the Territory or State (as the case may be), a full exhibit of the condition of said bank, which report shall be published in three newspapers of this Territory by said auditor."

"SEC. 6. This act shall be in force from and after its passage."

"Approved January 18, 1856."

Very soon after this manufactory of credit money began to pour its product into trade channels, the superior money had, under the operation of the Gresham law, surrendered the field of exchange to the inferior. And from the date of the letter which Sir Thomas Gresham wrote to Queen Elizabeth in 1558, explaining that good and bad moneys could not remain concurrent in the same country, no more perfect verification of the Gresham law had ever arisen than that furnished by that Territory in the years of 1856, 1857, and 1858. The unyielding vigor of Principle and Truth was as pronounced in Nebraska

then as it had been in the Kingdom of Great Britain 300 years before.

Thus after a brief period of pseudo-prosperity, in which all values were feverishly enhanced, there came, in June, 1857, the first warnings of the disastrous panic of that year. In New York the banking and brokerage house of John Thompson, who published a bank-note reporter and counterfeit detector, failed. In Ohio the great Life and Trust Company went under, and all over Nebraska, and throughout the whole Republic, the baseless, nonconvertible paper issues of "stump-tail" currency—as it was termed in the parlance of the time—became utterly valueless as tools of exchange.

To-day we stand perhaps upon the very verge of another era of fiatism. And if the free coinage of silver at 16 to 1 can be secured, we shall behold again, in the United States, and on a broader field, the unavoidable and disastrous effect of that law which inevitably prevents the circulation of an inferior and a superior currency, in the same markets, at the same time.

Having, under free coinage, made more silver dollars than the country can float, at a parity with gold, the latter metal will go to a premium. All that we sell to foreigners will be paid for in silver. All that we buy of them will be settled for in gold, and we will pay the premium. Bimetallism, as taught by the free-coinage-of-silver advocates, who maintain that the United States alone can float unlimited amounts of that metal, coined at a ratio of 16 to 1, on a parity with gold, logically leads to monometallism in the North American republic, and that one metal must inevitably be silver.

In the *Nineteenth Century* Henry Dunning McLeod says: "Bimetallism is only part of a system which prevailed in every country for centuries. Statesmen thought that they could regulate the value of commodities by law, and the statute books contained many such laws. But experience showed that such laws were absolutely inopera-

tive, and, after having been abandoned in practice, were, at length, expunged from the statute book. The attempt to restore bimetallism is simply the endeavor to revive this exploded economic fallacy."

"If it were possible to establish a fixed ratio between gold and silver by international agreement, it would be equally possible to fix the value of all commodities. Innumerable catastrophes are caused by the unexpected change in the value of commodities; why not then fix the value of all commodities, and so remove the cause of multitudes of mercantile calamities?"

"Agriculturists are suffering the extremest depression from the fall in the value of their products. Why then not fix the value of wheat at a remunerative price by international agreement? If it were printed in all the statute books of the world that the price of wheat should be one dollar a bushel, does any person of common sense suppose that the price of wheat would rise one cent?"

And if raising wheat could be made remunerative everywhere, would not everybody seek that line of production?

But the bimetallists state their case paradoxically when they proclaim for the free coinage of silver at the ratio of 16 to 1. That very phraseology is a confession that there is and can be but one unit of value. The fact that they compare their silver to gold, as the unit of value, as the test of exchangeability, contradicts their contention for the equal utility and facility of the two metals in mediating exchanges. It is a full confession of the bimetallists that the two metals are unequal. It is an avowal by law—mere statutory enactment—they propose to make equal, in value, by certain relations, those things which mankind do not equally desire and demand. They affirm that they will create value. They avow that they can stimulate the desire and enhance the demand of the world for silver by a simple "Be it Enacted"—a formulation of fallacies into statutes. It is a plain concession that silver is a commod-

ity which must be measured by a universally accepted measure; and, furthermore, that gold is that measure. Therefore, by implication, the professed bimetallist, in stating his case, admits that he is a gold monometallist.

But it is amazing to find ardent free traders among the zealous advocates of the free coinage of silver at the ratio of 16 to 1, because the present tariff provides almost wholly for ad-valorem duties. Such duties, according to the law, must be paid upon the valuation of the commodity imported, computed in the currency of the United States.¹

With free coinage, which, we are cheerfully and vehemently assured, will bring about a double price for all the farmers have to sell, there will also then come a double valuation upon all ad-valorem imports which farmers may wish to buy. Then a thousand pounds' worth of English manufacture, bought in London on a gold basis, being imported to the United States, while we are on a silver basis, valued in our market and our money, as the law compels, will cost twice as much denominationally, in silver, as it would in gold. That is, gold then being worth twice as much as silver, instead of paying, on each English pound, as to-day, on a valuation of \$4.86, the consumer will be taxed for each English pound's worth of goods, reduced to United States currency, on a valuation of \$9.72. Then, as silver declines and cheaper money becomes more and more plentiful, our Free Trade friends who have joined the crusade in behalf of free coinage will sorrowfully observe that they have, by their misinformed

¹ SEC. 25. That the value of foreign coin as expressed in the money of account of the United States shall be that of the pure metal of such coin of standard value; and the value of the standard coins in circulation of the various nations of the world shall be estimated quarterly by the Director of the Mint, and be proclaimed by the Secretary of the Treasury immediately after the passage of this act, and thereafter quarterly on the first day of January, April, July, and October, in each year. And the values so proclaimed shall be followed in estimating the value of all foreign merchandise exported to the United States during the quarter for which the value is proclaimed, and the date of the consular certification of any invoice shall, for the purposes of this section, be considered the date of exportation: *Provided*, that the Secretary of the Treasury may order the reliquidation of any entry at a different value, whenever satisfactory evidence shall be produced to him showing that the value in United States currency of the foreign money specified in the invoice was, at the date of the certification, at least ten per centum more or less than the value proclaimed during the quarter in which the consular certification occurred. (Statutes U.S., Fifty-third Congress, Sess. II., Ch. 349, Sec. 25.)

statesmanship, erected a mountain barrier to international trade, compared to which McKinleyism was a mere mole-hill. Free coinage, as advocated by its most enthusiastic and eloquent supporters—those who paroxysmally appeal for the poor people, as against plutocrats—will very soon, if it be attained, double and possibly treble the duties on all the imports which poor people purchase.

These same self-constituted attorneys for the poor, out of their tumultuous and cheerful vocabulary, also plead strenuously in the interests of those whom they felicitously, without definition or identification, call the "debtor classes." Money, they say, has appreciated since some debts were contracted, and, therefore, it is a great hardship upon some debtors to pay as they borrowed. But suppose the money had not been loaned by its owners? Suppose all the owners of money had securely hoarded it, instead of loaning it out, when asked, in each case, would not money, thus becoming scarcer, have appreciated still more by the hoarding? Is the bimetallist, then, in favor of a law providing a penalty for appreciating the purchasing power by hoarding money, and not loaning it? Why should there be no law to prevent enhancement of purchasing power brought about by hoarding, if there must be a statute to mitigate that enhancement which may occur by loaning money?

Frequently, in the early settlements of the West, farmers supplied the new-comers, arriving in the autumn, enough grain, payable in kind, quality, and quantity, to carry them through the next season, and to a matured harvest of their own cereals.

To illustrate. A loaned B 500 bushels of corn worth 25 cents a bushel, January 1, 1894, to be repaid with 550 bushels of corn on January 1, 1895. But, because of the drouth and scarcity of corn in the fall of 1894, it has doubled in price and sells on the first day of this year for 50 cents a bushel. Now by a similar process of reasoning, the bimetallist should call for a statute enabling

A to pay B his 550 bushels of corn with 550 bushels of oats which are worth only 30 cents a bushel. The corn having appreciated, because of the changed relation of the supply of corn to the demand for corn, has worked a hardship, under the inexorable operation of economic law, against B.

And the economic law is an evolution of that natural law which regulates the rainfall and the sunshine and makes crops, either bountiful or meagre. Now would not the same morality, honesty, and sense of justice, which provide for the payment of a money debt created since we were on a gold basis—that is, since January, 1879—in depreciated dollars, made either of silver or any other commodity, also pay a loan of 500 bushels of corn, borrowed in 1894, with 550 bushels of oats in 1895; or, if in corn, then in troy weight instead of avoirdupois; or, if by measure, then with two pecks to the bushel?

Du Maurier describes the wonderful vocalization of Trilby, as “waves of sweet and tender laughter, the very heart and essence of innocent, high-spirited girlhood, alive to all that is simple and joyous and elementary in nature—the freshness of the morning, the ripple of the stream, the click of the mill, the lisp of the wind in the trees, the song of the lark in the cloudless sky—the sun and the dew, the scent of early flowers and summer woods and meadows—the sight of birds and bees and butterflies and frolicsome young animals at play—all the sights and scents and sounds that are the birthright of happy children, happy savages in favored climes—things within the remembrance and reach of most of us! All this, the memory and the feel of it, are in Trilby’s voice as she warbles that long, smooth, lilting, dancing laugh, that wondrous song without words; and those who hear, feel all, and remember it with her. It is irresistible; it forces itself on you; no words, no pictures, could ever do the like!”

But the music was that of her mesmeric master. The

potency of his magic swayed her whole being—voice, features, pose, gestures, everything—in one grand, breathing symphony. So the harmonies of civilization, the multifold tones of Trade, all the great choruses and melodies of Commerce—the murmuring stream that turns the mill wheel, the hissing engine on the rail, the plash of the paddle-wheel on inland lakes, the monotonous pulsations of the great hearts of steamships on all the oceans of the globe, the singing wires of telegraph lines hanging in the air, the whir of the electric cars—every movement of a sentient commerce transporting from north to south, from south to north, from east to west, and from west to east, with all its myriad sounds of contented industry—are merely the economic orchestra of Civilization obeying the motions of the magic baton of Demand, wielded by the will-power of the civilized world. These are the marvelous melodies of modern commerce. But the inspiration which gives voice to value, and energizes the many-tongued industries of modern life, advancements, and improvements, is EXCHANGEABILITY based upon demand, which is founded upon desire.

And so, theorize as we may, contend for whatever financial faith we can, and legislate as we will, we shall find at last that in our Present the foundations of finance are, as they were in the Past of a thousand years ago, buttressed by human desires and human demands for exchangeable things. And the future will finally, perhaps, after many severe strains upon the credit of the Republic, behold the citizens of the United States, in their honesty and strength with one voice unequivocally declaring for a unit—a measure of value—a medium of exchange—fashioned out of or founded upon gold. They will thus determine and declare, because that metal has been tested and approved for five hundred years by the domestic and foreign trade of all the commercial nations of Europe as the only measure of value, the only facilitator of exchanges which civilized mankind has as yet discovered, adopted and

utilized with nearly universal success and almost complete satisfaction.

PROCEEDINGS OF THE SOCIETY.

SIXTEENTH ANNUAL MEETING.

UNIVERSITY CHAPEL,
LINCOLN, NEBR., January 10, 1893. }

The Society was called to order by the President, the Hon. J. Sterling Morton, at 8:15 p. m. The roll was then called, and the following members answered to their names:

C. E. Bessey	A. R. Keim
H. W. Caldwell	J. E. LaMaster
James H. Canfield	J. A. MacMurphy
W. W. Cox	Samuel Maxwell
Lorenzo Crounse	J. Sterling Morton
C. H. Gere	J. S. Phebus
E. N. Grennell	Miss Mary A. Tremain
D. J. Jones	W. W. Wilson

The secretary's report of the proceedings of the last meeting was read and approved without modification.

The first paper of the evening was by the Hon. W. W. Cox of Seward, on *Reminiscences of Early Times near Nebraska City*.¹ The paper was both interesting and valuable. The second one was by Mr. J. A. MacMurphy of Omaha. His subject, *Some Character Sketches of Early Nebraskans*,² was an exceedingly well-putand important

¹ See Vol. V., pp. 63-81.

² See Vol. V., pp. 43-63.

contribution to the history of the State. The final paper prepared by Mr. W. H. Eller of Ashland, Va., on *The Arickari Conquest of 1823*,¹ was, in the absence of the writer, presented to the Society for publication without reading. The Society then on motion adjourned to meet in the chapel at 8:00 p. m., January 11, 1893.

J. STERLING MORTON, President.

H. W. CALDWELL, Secretary.

STATE UNIVERSITY CHAPEL, }
January 11, 1893. }

At 8:15 p. m., the Society was called to order with President J. Sterling Morton in the chair. It was moved and carried that the order of business be changed, and that the treasurer's report be read and presented to an auditing committee for report at the business meeting later in the evening. The president appointed Mr. S. L. Geisthardt and Hon. N. S. Harwood as an auditing committee.

A very valuable paper was then presented by Mrs. Judge S. B. Pound on the *History of the Lincoln Public Library*.² After this paper the president made an important contribution to history in a paper concerning *Records and Their Conservation*.³ Some unpublished letters of President Jefferson were read to illustrate the arguments of the paper.

This paper was followed by a discussion of the freighting business from Nebraska City to Denver and the mountains during the years following 1848, by Hon. B. J. Johnson of Nemaha county.

At the business meeting immediately following, a motion was made by Mr. Geisthardt that the thanks of the Society be returned to those presenting papers, and that copies be requested for publication. Carried. The auditing committee for the treasurer's report found the same

¹ See Vol. V., pp. 35-43.

² See Vol. V., pp. 20-34.

³ See Vol. V., pp. 11-20.

correct, with all vouchers present. The secretary then made his annual report, outlining the work of the past year, presenting the needs of the future, and making some suggestions in regard to the plans that seemed to him wise, in order to forward the best interests of the Society. Report was on motion of the Hon. H. T. Clarke received and placed on file. As there were no reports from standing committees, the Society passed to reports of special committees. The committee appointed to confer with a like committee from the Horticultural Society reported that the latter Society had determined to hold only day sessions, thus enabling the members of each Society to attend the meetings of the other.

Under the head of election of members the following names were presented:

John M. Brockman,	H. W. Parker,
Frank H. Spearman,	Henry Sprick,
Milton Blakely,	L. C. Richards,
H. J. Whitmore,	Mrs. L. C. Richards,
D. A. Campbell,	Mrs. C. H. Gere,
Hugh LaMaster,	Donald MacCuaig,
H. W. Quaintance,	H. A. Longsdorf.

The rules were suspended and the Secretary was instructed to cast the unanimous ballot of the Society for the persons above named, which was done.

The election for officers resulted as follows:—

President, J. Sterling Morton

First Vice President, S. B. Pound

Second Vice President, Gov. Lorenzo Crounse

Treasurer, C. H. Gere

Secretary, H. W. Caldwell

On motion of S. L. Geisthardt, Section two (2) of the By-Laws was amended by adding clause three, as follows: "Provided that in case the legislative appropriation shall in the judgment of the board of directors warrant, they may authorize the secretary to employ an assistant to act as librarian, and to do the general work of the Society

under his supervision, at such salary as they may determine, not to exceed \$1400; and in that event the salary of the secretary shall be \$100. A committee to memorialize the legislature to make an appropriation consonant with the needs of the Society and to secure such other legislation as seemed best, was made up of the following persons: S. B. Pound, J. H. Broady, N. S. Harwood, A. J. Sawyer, D. A. Campbell, H. T. Clarke, and H. W. Caldwell.

The secretary was authorized to have the unbound copies of Volume II. bound.

Also on motion of Rev. E. H. Chapin, he was authorized to make such a classification of the books belonging to the Society, at the time of removal into the new building as was required, and to contract the necessary expense therefor. On motion of H. T. Clarke, the secretary was authorized to employ the necessary help for removing into the new building, and to procure and to have built such shelving and cases as may in his judgment be necessary for the proper classification and display of the Society's books and curiosities. Hon. A. J. Sawyer introduced resolutions which were adopted by a rising vote, in favor of J. Sterling Morton for Secretary of Agriculture in President Cleveland's cabinet.

Adjourned.

J. STERLING MORTON, President.

H. W. CALDWELL, Secretary.

REPORT OF THE SECRETARY OF THE NEBRASKA STATE HISTORICAL SOCIETY.

JANUARY 10, 1893.

To the State Historical Society:

I have the honor as your secretary to submit the following report, containing a review of the work of the year just ending, and some suggestions in regard to the needs and future policy of the Society.

Since your present secretary took charge of the office, Volumes III. and IV. of the *Transactions and Reports* of the Society have been edited and published. To Professor Howard and to Hon. R. W. Furnas is due much of the credit for collecting the material that has been used. These volumes have been received with many marks of favor both at home and at the hands of other Societies.

They have been distributed among the members of the Society, and have been used in securing exchanges from other Societies. The matter for Volume V. is now being collected and edited with the expectation that it may be published and issued before July 1, 1893. Volume III. was printed by Hammond Bros. at a cost of \$1.25 per page. The total cost of this volume was about \$460.00. Volume IV. was published by the State Journal Company at a page cost of \$1.35. The total cost of the volume was \$484.80. The two volumes have cost about \$950.00, leaving a balance of nearly or quite \$550, at the present time in the hands of the treasurer. Volume V. will not cost to exceed \$450.00, thus leaving a balance of \$100.00 unexpended out of the fund appropriated for publishing. The secretary suggests that this sum be used in binding Vol-

ume II. The bound numbers are exhausted, but several hundred unbound copies are in the possession of the secretary. If the Association approves of this plan, the secretary will see if the board will interpret "publishing" to include "binding."

Immediately upon assuming the office, the secretary began collecting the papers of the State, securing the same by donation from the publishers. It was soon seen that our present quarters were too small to accommodate many, so only about forty-five papers are being received and filed. It is believed that this work may easily be extended as soon as the Society is in its new quarters, so as to include all, or nearly all, the papers of the State. Kansas files all its papers with the State Historical Society, and many papers do not keep a file even for themselves, but rely upon the Society to do this work for them. The present convenience and the future value of such a collection is self-evident and needs no proof at my hands. These newspapers should be bound from time to time in good, strong, plain covers. The cost will be small if properly managed. How this work is to be handled in the future, is one of the problems before the Society. The Society library rooms have been kept open to the public about half of every week during the past year. The number of visitors has not been large, but it is a constantly growing quantity. I have no doubt that it will be largely used as soon as we are in our new quarters, where it will be more accessible to the public.

The library now contains 5,032 numbers, an increase since our last meeting of 427. These have all been obtained by way of exchange, and no money has been paid out in purchasing books. In this connection I wish to suggest that the Society secure the passage of a law, authorizing the deposit of from fifty to one hundred copies of all State reports, court proceedings, and, in fact, of every publication made by authority of the State, with the State Historical Society, to be used in exchange with

States. In this way, at very slight expense to the State, the Historical Society could collect like documents from the other States of the Union and from abroad. In a very few years an almost invaluable library could thus be built up. For further action, I leave the matter with the Society.

In regard to the immediate needs of the Society, I wish to call your attention to the following points:

(1). The Society must make arrangements to shelve the new rooms in the Library building. Also cases will need to be planned for and made in which to place the curios already in our possession, and in which to store those to come to us, from Mrs. Gen. Crook, and from others who may make presents to us in the future. The State University has offered the Historical Society free rooms, and agrees to heat, light, and janitor them without expense. Now it certainly becomes the Society to put its material in good and accessible shape. Shelving and cases must be provided immediately, as the cases we have are not fitted for all uses, and are already overcrowded at the best.

(2). The securing, arranging, filing, and binding of the State newspapers will require much labor, and if it is to be done successfully, will require more help than is at the Society's command. Also, the Society must make provision for removing to its new quarters. In making the transfer, the books ought to be rearranged and properly classified. This means much extra labor for someone. Of course the books may be simply removed as they are, if it is absolutely necessary; but it ought not to be necessary.

Now some of the problems are before us: the solution I leave to you, with a suggestion thrown in at a later point in the report.

I have had a few statistics collected showing what some of our neighboring States are doing in this work. The

table of results is attached, but I beg leave to call your especial attention to some of them:

STATE	Biennial Appropriation	Salaries	Volumes	Em- ployees
Wisconsin	\$20,000	\$2,000	150,000	6
Minnesota.....	12,000	1,800	48,000	2
Kansas	11,000	1,500	46,000	2
Massachusetts.....	30,000	.....	40,000	4
Nebraska	2,500	500	5,032	2

I have made a careful estimate of the amount the Society ought to have for the next biennium, in order to develop as rapidly as the possibilities will permit. The figures I have reduced to the least amount that ought to be given:

Shelving and cases.....	\$1,000
Publishing and binding.....	1,500
General expenses—Freight, expressage, collecting material, postage, etc.	1,000
Salaries (per year, \$1,500).....	3,000
Total.....	\$6,500

It will be noticed that this asks for only a fraction of the amount given in our neighboring States. If we are to keep in the procession at all, we must be willing to pay for it.

Finally, my suggestion as a solution of the problems before us is to get the above amounts from the legislature, then to increase the salary of the secretary to \$1,500 per year, and elect some one to the office who is willing to give his whole time to the work.

If the Society feels that it is unsafe to make the change at this meeting, for fear of failure in securing funds, and if it wishes me to continue the work for the present under existing arrangements, I will do the best I can for a short time longer; but I shall wish to be relieved of the work in the near future.

Professor Howard sends thanks to the Society for its kind resolutions. Respectfully submitted,

H. W. CALDWELL, Secretary.

OFFICE OF TREASURER STATE HISTORICAL SOCIETY.

The President of the Nebraska State Historical Society;

SIR:—I have the honor to submit the following report of the receipts and expenditures of the Nebraska Historical Society for the year ending Jan. 9, 1894.

RECEIPTS.

Balance deposited in bank Jan. 9, 1893.....	\$ 416.86
Membership Fees.....	24.00
Interest on deposits.....	11.22
Balance of appropriation 1891, in State Treasury.....	500.00
Appropriation of 1893.....	2,000.00
Total.....	\$2,952.08

EXPENDITURES.

Salary of officers and assistants.....	\$ 475.00
Books, cases, postage, expressage and sundries.....	364.01
Total.....	\$ 839.01
Balance on hand in bank.....	\$ 149.28
Balance in State Treasury.....	1,763.79
Warrant on State Treasury.....	200.00
Total balance on hand.....	\$2,113.07

Very respectfully,

C. H. GERE, Treasurer.

Jan. 10, '93.—Approved and found correct, with proper vouchers, so far as the report concerns moneys received and disbursed by the treasurer of the Society. We have no means of auditing the state treasurer's disbursements.

S. L. GEISTHARDT, }
L. B. TREEMAN, } Committee.

SEVENTEENTH ANNUAL MEETING.

UNIVERSITY CHAPEL, }
LINCOLN, NEBR., January 9, 1894. }

In the absence of President J. Sterling Morton, the annual meeting was called to order, at 8:00 o'clock, by

the Vice President, Governor Lorenzo Crounse. Fifteen members answered to their names at roll call.

The first paper of the evening was read by Hon. J. A. MacMurphy, on *Part of the Making of a State*,¹ This paper was interesting and vividly portrayed the early life in Nebraska. After this paper Mr. Victor Rosewater, of Omaha, presented a carefully prepared study of *The History of Municipal Government in Nebraska*.² Mr. C. B. Aitchison, of Hastings, gave the Society an extremely well-written and valuable account of the *Life of Governor Francis Burt*,³ as the third paper of the evening.

The Society then adjourned to meet at 8 p. m., January 10, 1894.

LORENZO CROUNSE, Vice President.

H. W. CALDWELL, Secretary.

LINCOLN, NEBR., January 10, 1894.

In the absence of the president and both vice presidents, the Society was called to order at 8 p. m., by the secretary. On motion, ex-Gov. R. W. Furnas was chosen president, *pro tem*. The minutes of the meeting of January, 1893, were then read and approved. The annual report of the secretary was presented and extracts read by the secretary from the report of the librarian. Both reports were approved and placed on file. A committee consisting of S. L. Geisthardt and L. B. Treeman, was appointed to examine the report of the treasurer. A letter from the President, J. Sterling Morton, extending his good wishes and regretting his inability to be present was read by the secretary.

The program of the evening was an exceedingly interesting one, and called out a larger attendance than usual. The first paper was by Hon. T. M. Marquette, of Lincoln, on the *Effect of Early Legislation upon the Courts of Ne-*

¹ See Vol. I., Second Series, pp. 3-24.

² See Vol., I, Second Series, pp. 76-87.

³ See Vol. I.: Second Series, pp. 25-38.

braska.¹ This was followed by a study of *Early Nebraska Currency and Per Capita Circulation*,² by Hon. H. W. Yates, of the Nebraska National Bank, of Omaha. One of the most interesting papers of the session was by Hon. S. C. Bassett, of Gibbon. *The Soldiers' Free-Homestead Colony*,³ of Gibbon, was described in an instructive and entertaining way. Two other papers were presented to the Society without reading, as the hour was late. One by B. J. Johnson, of Howe, entitled *Early Reminiscences in Freighting Days*,⁴ the other by Mr. F. Ball, of Palmyra, *Extracts from Early Documents*. The Society then went into an adjourned business session for the election of officers and the transaction of miscellaneous business.

The following officers were elected by a unanimous ballot:

J. Sterling Morton, President,
R. W. Furnas, First Vice President,
S. B. Pound, Second Vice President,
C. H. Gere, Treasure,
H. W. Caldwell, Secretary.

Rev. D. Fitzgerald, of Auburn, called the attention of the Society to a sword, discovered in the Republican Valley, which he thought might be connected with the expedition of Coronado. Mr. Barrett moved that the thanks of the Society be extended to those who had so kindly prepared papers, and asked that copies be furnished for publication. The motion was carried. The names of thirty-two persons, as follows, were presented for membership, and on motion the secretary cast the unanimous ballot of the Society in their favor:

C. B. Aitchison, Hastings; L. L. H. Austin, Lincoln; S. C. Bassett, Gibbon; J. N. Baer, Lincoln; Prof. Lawrence Bruner, Lincoln; Hon. Uriah Bruner, West Point;

¹ See Vol. I., Second Series, pp. 103-113.

² See Vol. I., Second Series, pp. 67-76.

³ See Vol. I., Second Series, pp. 39-44.

⁴ See Vol. I., Second Series, pp. 87-102.

H. E. Dawes, Lincoln; Rev. L. A. Dunphy, Aurora; Prof. F. M. Fling, Lincoln; Hon. John A. Davis, Plattsmouth; Rev. D. Fitzgerald, Auburn; Prof. E. T. Hartley, Lincoln; Hon. Geo. H. Hastings, Lincoln; F. L. Kendall, Weeping Water Academy; F. B. Kenyon, Lincoln; C. S. Lobinger, Omaha; Miss L. B. Loomis, Lincoln; John L. Marshall, Lincoln; Rev. William Murphy, Tecumseh; Victor Rosewater, Omaha, C. F. Neal, Auburn; J. J. Sayer, Lincoln; Supt. Frank Strong, Lincoln; George L. Sheldon, Nehawka; A. L. Timblin, Weeping Water; S. L. Wright, Bethany Heights; T. F. A. Williams, Lincoln; W. B. Lambert, Neligh; Prof. O. V. P. Stout, Lincoln; Hon. H. W. Yates, Omaha.

The members of the standing committees were then named by the president as follows:

On Publication—The Secretary, S. L. Geisthardt, and S. D. Cox.

On Obituraies—R. W. Furnas, Geo. L. Miller, and W. H. Eller.

On Program—The Secretary, J. L. Webster, and J. M. Woolworth.

On Library—Jay Amos Barrett, Mrs. S. B. Pound, and James H. Canfield.

Also a special committee on the "Form of Publication" was appointed as follows: D. A. Campbell, J. A. Barrett, C. H. Gere, J. A. MacMurphy, and E. H. Chapin. W. W. Cox presented the following resolution concerning the death of Hon. H. W. Parker, which was adopted:

Resolved, That in the death of Hon. Hiram W. Parker, of Beatrice, Nebraska, which occurred in April, 1893, the Historical Society lost a most valuable member, the State of Nebraska one of its oldest, most energetic and honorable citizens.

Resolved, That this Society extend to the sorrowing family its warmest sympathy.

Resolved, That these resolutions be spread upon the minutes and a copy of the same be furnished the widow of the deceased.

On motion of S. L. Geisthardt, the secretary was instructed to have files of newspapers bound, and also additional numbers of Vol. I. and II. of *Proceedings and Publications*, at his discretion. The executive committee was authorized to see about procuring the sword mentioned by Father Fitzgerald. As there was no other business to transact, the Society stood adjourned.

R. W. FURNAS, President *Pro Tem*.

H. W. CALDWELL, Secretary.

EIGHTEENTH ANNUAL MEETING OF THE STATE HISTORICAL SOCIETY.

LINCOLN, NEBR., Jan. 8, 1895.

In absence of the president, the Society was called to order by the secretary. On motion, Prof. C. E. Bessey was called to the chair.

On motion of Mr. J. A. Barrett, the Society adjourned for one week, to meet January 15, 1895, in the chapel of the University. No other business coming before the Society, it stood adjourned.

C. E. BESSEY, President *pro tem*.

H. W. CALDWELL, Secretary.

ADJOURNED SESSION OF THE EIGHTEENTH ANNUAL MEETING OF THE STATE HISTORICAL SOCIETY.

FUNKE OPERA HOUSE, January 15, 1895.

Meeting called to order by Vice President R. W. Furnas. On motion of Secretary Caldwell, all business was deferred till January 16 in order to proceed with the program of the evening. The motion was carried unanimously.

Mr. Furnas then introduced Hon. J. Sterling Morton, the President of the Society, who gave his annual address on "*The Pioneer Populists and Their Finance in the Territory of Nebraska in 1855, 1856, and 1857, and the Results: A Parallel Between Past and Present Fallacies.*"

This paper was followed by one from Hon. L. W. Colby, of Beatrice, on "*The Ghost Dance of the Sioux Indians.*" Both papers were received with marks of the highest appreciation.

As the hour was late, the further reading of papers was postponed, and the Society adjourned to meet in the chapel January 16, 1894.

R. W. FURNAS, Vice President.

H. W. CALDWELL, Secretary.

UNIVERSITY CHAPEL, January 16, 1895.

In the absence of the President and both Vice Presidents, at 8:20 the Secretary called the meeting to order. On motion of Mr. Barrett, Mr. Albert Watkins was chosen president *pro tem*.

The first paper of the evening on "*Freighting in Nebraska in 1856*" was prepared and read by Mr. Moses H. Sydenham, of Kearney. This paper was followed by one of the most interesting and valuable papers of the meeting, presented by Judge E. Wakeley, of Omaha, on "*Reminiscences of the Third Judicial District of 1857-61.*" Owing to the lateness of the hour, Mr. Barrett suggested that his paper be not read. On motion the Society went into business session with President J. Sterling Morton in the chair. The roll call showed a quorum present. The report of the secretary of the meetings of January 9th and 10th, 1894, and of January 8th, 1895, was read and approved. Under "Reports of Officers," Mr. Barrett presented his report as librarian. The report of the treasurer was read, found correct, and approved. Mr. J. A. MacMurphy moved that the papers read, and also those prepared but not read, be requested for publication; and that the thanks of the Society be returned to all those who had so kindly prepared papers for the Society. The motion was carried unanimously.

On motion of Mr. J. A. MacMurphy, the Society approved

the change proposed by the "Old Settlers' Association" that the *totem* for Nebraskans be changed from "*Bug Eaters*" to "*Tree Planters*." It was also moved and carried that the title "*Tree Planters*" be put on the stationery of the Historical Society, and that the Society do all it can to forward the proposed change. Adopted unanimously.

The secretary was instructed to acknowledge the receipt of an invitation to the Society to send a delegate with a paper to the International Folk Lore Association, at Memphis, February, 1895. And Mr. Barrett was requested to send greetings and thanks for the invitation.

Mr. Lambertson moved that the chair appoint a committee to prepare suitable resolutions on the death of Hon. T. M. Marquette. Carried, and the committee was announced consisting of the Hon. G. M. Lambertson, A. J. Sawyer, and A. Watkins.

Mr. J. Q. Goss presented a cane with an interesting history, to the Society. The history of the cane will be furnished by Mr. Goss to be incorporated among the proceedings of the Society. The thanks of the Society were returned to Mr. Goss.

On motion, Mr. A. J. Pethoud was to be informed that the Society would be pleased to receive the photographs that he has prepared, and also to be notified that the thanks of the Society are extended to him for his kindness.

The secretary was instructed to announce through its publications and the newspapers of the State that the Society was prepared to receive and anxious to have mementos, old curios, etc., relating to Nebraska history.

The following list of names were presented for membership, and the rules were suspended, and the secretary ordered to cast the unanimous vote of the Society in their favor.

Franklin Ball,
E. M. Correll,

G. M. Lambertson,
S. E. Lowe,

Gen. L. W. Colby,	Miss Rachael Manley,
H. F. Cooke,	Mrs. Alice A. Minick,
J. H. Culver,	A. A. Monroe,
Hugh. J. Dobbs,	Mrs. Fannie O'Linn,
J. P. Dunlap,	J. J. Pershing,
Henry Fontanelle,	D. P. Rolfe,
I. A. Fort,	James C. Shaw,
William Green,	Warren H. Slabaugh, M. D.
Lucy G. Green,	A. E. Sheldon,
N. S. Harding,	W. S. Summers,
P. J. Hall,	Moses H. Sydenham,
Charles H. Hanna,	Judge E. Wakeley,
W. H. Hoover,	H. H. Wheeler.

The following officers were elected unanimously:—

President—J. Sterling Morton,

First Vice President—E. Wakeley,

Second Vice President—R. W. Furnas,

Treasurer—C. H. Gere,

Secretary—H. W. Caldwell.

The president then appointed the following standing committees:

Publication—The Secretary, S. L. Geisthardt, and S. D. Cox.

Obituaries—R. W. Furnas, George L. Miller, and W. H. Eller.

Program—The Secretary, J. L. Webster, and J. M. Woolworth.

Library—Jay Amos Barrett, Mrs. S. B. Pound, and J. H. Canfield.

J. STERLING MORTON, President.

H. W. CALDWELL, Secretary.

REPORT OF THE SECRETARY, 1894.

To the State Historical Society:—

In accordance with the provisions of the constitution I present for your consideration my annual report of the work of the secretary's office.

During the year, since our last meeting, the fifth volume of the "Transactions and Reports" of the Society has been edited, and published at a cost of \$461.00. The contract was let by the state board of printing, to the News Publishing Co., at a price of \$1.15 per page. Also, 1500 of the unbound numbers of Volume II. were bound by the same firm at an expense of \$200.00. In accordance with your authority, conferred at the last meeting, I interviewed the state board of printing, and got them to interpret "printing" as including "binding," hence this binding was paid for out of the printing fund, a fund that otherwise, as there was no other way to use it, would have lapsed to the State, had it not been used in this way.

The authority you conferred upon me to have the library moved to its new and permanent quarters, and to contract the expense thereof, as well as for shelving, has been exercised. I take pleasure in reporting that the necessary expense proved very light, as the secretary and his assistant did much of the work of moving, and the University authorities have kindly loaned several book cases to the Society till the building is completed and the permanent shelving is constructed. However, the cases are already full to overflowing, and it will be necessary to provide more temporary shelving, for the construction of which I recommend that provision be made. In accordance with the amendment to the constitution adopted at the last annual meeting, the board of Managers employed Mr. Jay Amos Barrett for assistant secretary at an annual salary of \$500.00, Mr. Barrett to give half his time to the work of the Society. Mr. Barrett has in part classified the books, and prepared them for card-cataloguing in accordance with the Dewey system. Cards have been purchased and the work of cataloguing will be pushed as fast as time will permit. Two display cases, for the preservation and display of the curios of the Society, were purchased at a cost of \$120.00. Since my last report the

number of volumes of books and pamphlets in the Historical Society library has been increased from 5032 to, 6634 numbers. Of this increase of 1602 numbers, 1465 have been added since July 1st by Mr. Barrett. The only expense in securing this large increase has been in expressage and in the cost of our publications which have been given in exchange. Through the work of Mr. D. A. Cambell, the state librarian, and myself, a bill prepared by Mr. S. L. Geisthart, became a law giving the State Historical Society fifty copies of all publications made at the expense of the State. This law gives the Society an opportunity to use these publications for exchange purposes, hence our library can be built up much more rapidly than heretofore. I believe it safe to predict that by our next annual meeting, the library will be able to report at least 10,000 volumes and pamphlets, and if in any way a few hundred dollars can be figured on to buy books with, this number may prove much too low.

Mr. Barrett's report shows that the Society now has in its possession over 7,000 books and pamphlets to be used for exchange purposes. This list includes the Society's own publications and reports, Mr. Cox's *History of Seward County*, Prof. Howard's addresses, State publications, etc. For other interesting and valuable papers, I call your especial attention to Mr. Barrett's report, which is submitted with and accompanies this report.

I wish to call your special attention to his recommendation that we change the form of our publication, and issue a quarterly of from 60 to 80 pages, instead of an annual report as heretofore. I recommend that a committee be appointed, including Mr. Barrett as a member, to investigate and decide upon the expediency and feasibility of making the change immediately.

If the Society does not think it wise to change to a quarterly, then I recommend that we change the name of our publication, and begin a new series, under the title of

"Nebraska Historical Society Proceedings and Collections."

At the present time there are in the Society's possession 693 unbound copies of Volume II., and 2,200 unbound copies of Volume I. As there are only eighty-two bound copies of Volume I. left, it seems that authority ought to be given the secretary to have an additional number bound, using his discretion in the matter on account of the small amount of money in the Society's exchequer.

The question of putting a small price on our publications, for those not members of the Society, ought to be considered.

H . W. CALDWELL, Secretary.

OFFICERS OF THE SOCIETY, 1878-1896.

Presidents—

Hon. Robt. W. Furnas, 1878-1891.

Hon. J. Sterling Morton, 1891-1896.

First Vice Presidents—

Dr. George L. Miller, 1878, 1879.

J. M. Woolworth, 1880, 1881, 1883, 1885, 1886.

Hon. Lorenzo Crounse, 1887, 1888, 1889, 1890.

Judge S. B. Pound, 1891, 1892, 1893.

Second Vice Presidents—

Judge Elmer S. Dundy, 1878, 1879, 1880, 1881, 1883, 1885, 1886.

J. M. Woolworth, 1887, 1888, 1889, 1890.

Hon. Lorenzo Crounse, 1891, 1893.

Prof. C. E. Bessey, 1892.

Secretaries—

Prof. Samuel Aughey, 1878-1885.

Prof. George E. Howard, 1885-1892.

Prof. H. W. Caldwell, 1892-1896.

Corresponding Secretaries—

D. H. Wheeler, 1878, 1879.

Mrs. Clara B. Colby, 1883-1886.

Treasurers—

W. W. Wilson, 1878-1887.

Hon. C. H. Gere, 1887-1896.

Librarian—

Jay Amos Barrett, 1893-1896.

Board of Directors—

The following served as directors of the Society before the change was made in the Constitution by which the officers elected by the Society constitute the Board of Directors: Hon. Silas Garber, 7 years; Hon. J. Sterling Morton, 8 years; C. D. Wilber, 5 years; G. C. Monell, 2 years; Hon. Lorenzo Crounse, 6 years; Moses Stocking, 3 years; H. T. Clarke, 9 years; Dr. I. J. Manatt, 5 years; Mrs. Clara B. Colby, 4 years; John A. McMurphy, 4 years; Prof. C. E. Bessey, 2 years; Hon. R. W. Furnas, 1 year; J. M. Woolworth, 1 year; Judge T. L. Norval, 1 year; J. B. Dinsmore, 1 year.

MEMBERS OF THE HISTORICAL SOCIETY.

* Dead; c, corresponding member; h, honorary member.

NAME.	DATE OF ELECTION.	ADDRESS.
Adair, William - -	1878	Dakota City
*Allen, J. T. - - -	1878	
Aitchison, Clyde B. -	1894	Council Bluffs
Ames, J. H. - - -	1878	Lincoln
*Andrews, Dr. Israel W. c	1836	
Aughey, Prof. Samuel -	1878	Alabama
Austin, L. L. H. - -	1894	Lincoln
Baer, J. N. - - -	1894	Lincoln
Ball, Franklin - - -	1895	Palmyra
Barrett, Jay Amos -	1891	Lincoln
Bassett, S. C., - - -	1894	Gibbon
Bennett, Prof. Charles E.	1890	Ithaca, N. Y.
Bessey, Prof. Charles E. -	1885	Lincoln
Blakeley, Milton - -	1893	

NAME.	DATE OF ELECTION.	ADDRESS.
*Bowen, John S. - -	-	
Bowen, William R. -	....	Omaha
Bowers, W. D. - - -	1888	Seward
Broady, Judge J. S.	1892	Lincoln
Brockman, Hon. J. M. -	1893	Stella
Brodfehrer, J. C. - -	1879	Dakota City
Brown, H. W. - - -	1891	Lincoln
Brown, J. H. - - -	1878	
Bruner, Prof. Lawrence -	1894	Lincoln
Bruner, Uriah - - -	1894	West Point
*Budd, J. J. - - -	1878	
Burnham, Leavitt - -	1891	
*Butler, Hon. David - -	1880	
Cadman, John - - -	1878	
Caldwell, Prof. H. W. -	1885	Lincoln
Campbell, D. A. - - -	1893	Lincoln
Canfield, Dr. James H. -	1892	Columbus, O.
Chadsey, C. E. - - -	1891	San Jose, Calif.
Chapin, Rev. E. H. - -	1890	Lincoln
Chapman, Judge S. M. -	1886	Plattsmouth
Child, E. P. - - -	1887	Kansas City, Mo.
Church, Prof. G. E. - -	1880	San Francisco, Calif.
Clarke, H. T. - - -	1878	Omaha
*Clarkson, Bishop R. H. -	1878	Omaha
Colby, Mrs. Clara B. -	1883	Beatrice
Colby, Gen. L. W. - -	1895	Beatrice
Cooke, H. F. - - -	1895	Beatrice
*Correll, E. M. - - -	1895	
Cox, S. D. - - -	1886	Minatare
Cox, W. W. - - -	1888	Seward
Craig, Hiram - - -	1878	Blair
Crounse, Hon. Lorenzo -	1878	Fort Calhoun
Croxton, J. H. - - -	1878	
Culver, J. H. - - -	1895	Millford

NAME.		DATE OF ELECTION.	ADDRESS.
Darling, Charles, W. c	-	1886	Utica, N. Y.
Davidson, S. P.	- -	1886	Tecumseh
Davis, J. A.	- - -	1894	Plattsmouth
Dawes, H. E.	- - -	1894	Lincoln
Dawes, J. W.	- -	1886	
Dinsmore, J. B.	- -	1883	Sutton
Doane, George W.	-	1878	Omaha
Dobbs, Hugh	- - -	1895	Beatrice
Dougherty, M. A.	-	1880	Fullerton
Dudley, Lieut. Edgar S.	-	1888	San Antonio, Texas.
Dundy, Judge Elmer S.		1878	Omaha
Dunlap, J. P.	- -	1891	Dwight
Dunphy, L. A.	- - -	1894	Aurora
Eller, W. H.	- - -	1883	Greensboro, N. C.
Farnham, Geo. L.	- -	1888	
Fifield, B. L.	- -	1878	Minneapolis, Minn.
Fitzgerald, D. J.	- -	1884	Auburn
Fletcher, Miss Alice h	-	1885	Washington, D. C.
Fling, Prof. F. M.	- -	1894	Lincoln
Fontanelle, Henry	-	1895	Decatur
Fort, I. A.	- - -	1895	North Platte
*Fulton, S. A.	- -	1878	
Furnas, Hon. R. W.	-	1878	Brownville
Gallagher, John	- -	1890	Fairbury
Garber, Hon. Silas	- -	1878	Lincoln
Geisthardt, S. L.	- -	1887	Lincoln
Gere, Hon. C. H.	- -	1886	Lincoln
Gere, Mrs. C. H.	- -	1893	Lincoln
Gilmore, William	- -	1878	Plattsmouth
Goss, J. Q.	- - -	1878	Bellevue
Green, Lucy Garrison	-	1895	Lincoln
Green, Dr. William	-	1895	Lincoln

NAME.		DATE OF ELECTION.	ADDRESS.
Gregory, Lewis	- -	1890	Lincoln
Grennell, E. N.	- -	1878	Lincoln
Griggs, N. K.	- -	1887	Lincoln
Hall, P. J.	- -	1892	
*Hamilton, Rev. William	h	1880	
Hanna, Charles H.	-	1895	Lincoln
Harding, N. S.	- -	1895	Nebraska City
Hardy, H. W.	- -	1879	Lincoln
Harsha, W. J.	- -	1887	
Hartley, E. T.	- -	1884	Lincoln
Hartman, Chris.	- -	1878	Omaha
*Hastings, Major A. G.	-	1878	
Hastings, George H.	-	1894	
Hendershot, F. J.	- -	1887	Hebron
Hiatt, C. W.	- -	1883	Lincoln
Hoover, W. H.	- -	1895	Lincoln
Howard, Prof. George E.		1885	Palo Alto, Calif.
Humphrey, Austin	-	1878	Lincoln
*Ingersoll, Prof. C. L.	-	1894	
Johnson, Hadley D.	h -	1887	Salt Lake City, Utah
Jones, D. J.	- -	1891	Lincoln
Jones, W. W. W.	- -	1879	Denver, Colo.
*Kaley, H. S.	- -	1878	
Keim, H. R.	- -	1886	Falls City
Kendall, F. L.	- -	1894	Ridgeville, Ind.
Kennard, Hon. T. P.	-	1878	Lincoln
Kenyon, F. B.	- -		Tufft's College, Mass.
La Master, Hugh	- -	1893	Tecumseh
La Master, Joseph E.	-	1888	Tecumseh
Lambert, W. B.	- -	1894	Neligh
Lambertson, G. M.	- -	1895	Lincoln
Leavitt, T. H.	- -	1889	Lincoln

NAME.	DATE OF ELECTION.	ADDRESS.
*Lemon, T. B. - - -	1888	
Lewis, Henry E. - - -	1892	Lincoln
Lewis, F. W. - - -	1887	Lincoln
Little, Prof. C. N. - - -	1891	Palo Alto, Calif.
Little, Mrs. C. N. - - -	1891	Palo Alto, Calif.
Lobingier, C. S. - - -	1894	Omaha
Longsdorf, H. A. - - -	1893	
Loomis, Miss L. B. - - -	1894	Lincoln
Lowe, S. E. - - -	1895	Lincoln
MacCuaig, Donald - - -	1893	Nebraska City
MacMurphy, J. A. - - -	1878	Beatrice
McConnell, J. L. - - -	1883	Lincoln
McFarland, J. D. - - -	1885	Lincoln
McGrew, B. C. - - -	1892	Crawford
McIntyre, E. M. - - -	1888	Seward
McReynolds, Robert - - -	1886	
Macy, Prof. Jesse c - - -	1886	Grinnell, Iowa
Manatt, Dr. I. J. - - -	1885	Providence, R. I.
Manderson, Gen. C. F. - - -	1878	Omaha
Manley, Miss Rachel - - -	1895	
Marshall, J. L. - - -	1894	
Mathewson, Dr. H. B. - - -	1880	Los Angeles, Calif.
Maxwell, Judge Samuel - - -	1886	Fremont
Miller, George L. - - -	1878	Omaha
Miller, Oscar A. - - -	1883	
Minick, Mrs. Alice A. - - -	1895	Beatrice
*Monell, G. S. - - -	1878	
Monroe, Prof. A. A. - - -	1895	South Omaha
Moore, Miss Sarah Wool - - -	1888	
Morton, Hon. J. Sterling - - -	1885	Arbor Lodge, ^{Nebraska} City
Mullon, Oscar A. - - -	1885	Lincoln
Murphy, William - - -	1894	Tecumseh
Neal, C. F. - - -	1894	Auburn
Newton, Mrs. M. B. - - -	1890	Omaha

NAME.	DATE OF ELECTION.	ADDRESS.
Norval, Judge T. L. - -	1888	Seward
Nye, Theron - -	1878	Fremont
O'Linn, Miss Fannie - -	1895	Chadron
Orr, J. C. - -	1892	Alexandria
Osborne, George - -	1883	
*Owen, S. G. - -	1880	
Paddock, J. W. - -	1887	Omaha
*Parker, H. W. - -	1893	
Perry, Prof. D. B. - -	1879	Crete
Pershing, Lieut. J. J. - -	1895	Fort Assiniboine.
Phebus, J. S. - -	1889	Beaver City
Platt, Mrs. E. G. $\frac{1}{2}$ - -	1888	Tabor, Iowa
Pound, Judge S. B. - -	1888	Lincoln
Pound, Mrs. S. B. - -	1888	Lincoln
Quaintance, H. W. - -	1893	Lincoln
*Reed, Byron - -	1888	
Rich, Edson P. - -	1885	Omaha
Richards, L. C. - -	1893	Lincoln
Richards, Mrs. L. C. - -	1893	Lincoln
Rolfe, Hon. D. P. - -	1895	Nebraska City
Rosewater, Dr. Victor - -	1894	Omaha
*Savage, J. W. - -	....
Sawyer; Hon. A. J. - -	1890	Lincoln
Sayer, J. J. - -	1894	Sioux City, Iowa
Shaw, James C. - -	1895	Tekamah
Shedd, H. H. - -	1880	Ashland
Sheldon, A. E. - -	1895	Chadron
Sheldon, George L. - -	1894	Nehawka
Show, A. B. - -	1888	Palo Alto, Calif.
*Shyrook, L. B. W. - -	1878	
Shugart, E. - -	1878	Beatrice

NAME.	DATE OF ELECTION.	ADDRESS.
Skinner, W. H. - -	1891	Nebraska City
Slabaugh, Dr. Warren H.	1895	Omaha
Smith, William Henry -	1890	Denver, Colo.
Summers, W. S. - -	1895	Lincoln
Sorenson, Alfred, - -	1878	Omaha
Spearman, Frank H. -	1893	Nebraska City
Sprick, Henry - - -	1893	Fontanelle
*Stocking, Moses - -	1879	
Stout, Prof. O. V. P. -	1894	Lincoln
Strong, Frank, - -	1894	
Sydenham, Moses H. -	1895	Kearney
*Taggart, J. M. - -	1878	
Thompson, S. R. - -	1878	
Timblin, A. L. - -	1894	Weeping Water
Treeman, L. B. - -	1887	Lincoln
Tremain, Miss Mary A.	1891	Lincoln
True, M. B. C. - -	1886	Tecumseh
Vifquain, Victor - -	1880	Panama
Wakeley, Judge E. -	1895	Omaha
Walker, C. H. - - -	1878	Surprise
Warner, Prof. Amos. G.	1887	Manitou, Colo.
Warner, Mrs. E. L. -	1891	Roca
Watkins, Albert - -	1887	Lincoln
Webster, J. L. - - -	1878	Omaha
Whedon, C. O. - - -	1879	Lincoln
Wheeler, D. H. - - -	1878	Omaha
Wheeler, H. H. - - -	1895	Lincoln
Whitney, Edson L. -	1892	Benzonia, Mich.
Whitmore, H. J. - -	1893	Lincoln
Wilbur, C. D. - - -	1878	
Williams, O. T. B. - -	1878	Magdalen, Fla.
Williams, T. F. A. -	1894	Lincoln
Wilson, W. W. - - -	1878	Lincoln

NAME.	DATE OF ELECTION.	ADDRESS.
Woolworth, J. M. - -	1880	Omaha
Wright, S. L. - - -	1880	Lincoln
Yates, H. W. - - -	1894	Omaha

CONSTITUTION OF THE NEBRASKA STATE HISTORICAL SOCIETY.

I. NAME.—The name of this society shall be The Nebraska State Historical Society.

II. OBJECTS.—The object of this Society shall be, generally, to encourage historical research and inquiry; to spread historical information and in particular, in trust for the state of Nebraska; to establish a library appropriate to such purpose, and a cabinet of relics and antiquities with especial reference to this State, and to preserve and collect materials relating to the early history of this State. The library and other personal property of the Society and the office of the Secretary shall be located in the city of Lincoln.

III. MEMBERS.—The Society shall consist of three classes of members: active, corresponding, and honorary. No one can be an active member who is not a resident of the state of Nebraska. Persons distinguished for literary or scientific attainments, or for the promotion of historical study, may be elected honorary and corresponding members; they shall have all the privileges of the Society except voting and holding office, and shall be exempt from the payment of fees and dues.

Members may be elected at any regular meeting. The election shall be by ballot, and three adverse votes shall reject. Active members shall pay an admission fee of two dollars, and shall be qualified as members on paying this fee and making acceptance in writing.

Any member may be dropped from the rolls or expelled at any meeting by a two-thirds vote of those present after not less than twenty days' notice of the charges against him and the time and place of trial by registered letter directed to him at his last known address.

IV. OFFICERS.—The officers of the Society shall be a President, two Vice Presidents, a Treasurer, and a Secretary, who shall be elected by ballot at the annual meeting, and hold the office until their respective successors are elected and qualified. The officers shall constitute the Board of Directors of the Society. A vacancy in any office may be filled by the Board of Directors for the unexpired term.

The President shall preside at the meetings of the Society, and in general shall perform the duties usually incident to the office.

The Vice Presidents in the order of their election, shall have all the rights and duties of the President in his absence.

The Treasurer shall collect and have charge of the funds of the Society; he shall keep the moneys of the Society in its name in some safe banking house in the city of Lincoln; he shall keep a detailed account of receipts and expenditures; keep his books and accounts open for inspection by the Board of Directors; make a full report to the Society at its annual meeting, and at all times when required, and pay no moneys except on warrants drawn by the President or a Vice President and countersigned by the Secretary. He shall give a bond for the faithful performance of the duties, in the sum of two thousand dollars, and such additional sum as the Society may require, and file the same with the Secretary.

The Secretary shall have the custody of the Society and the general supervision and management of its work. He shall keep the records of the meetings of the Society and conduct its correspondence. In connection with the President he shall make the report to the governor, required by law, and procure the publication of the same. He shall make a full report of his doings at the annual meeting, and perform such other duties as may be required by the Society.

The Secretary and Treasurer may each receive such salary as the Society shall by vote previously determine. No other officer shall receive any remuneration for his services, but may be allowed his actual expenses in performing the duties of his office.

Any officer may be removed at any meeting by a two-thirds vote of those present.

Officers *pro tempore* may be chosen by the Society at any meeting in the absence of the regular officer.

V. SEAL.—The Society shall have a corporate seal, of such design as it may adopt.

VI. MEETINGS.—The regular meetings of the Society shall be the annual meetings, which shall be held in the city of Lincoln on the second Tuesday in January.

Special meetings may be called under the direction of the President, for the transaction of such business as may be specified in the notice thereof, and no other business can be finally disposed of at such meeting.

Notice of all meetings shall be sent by mail by the Secretary to all active members at least ten days before the date of such meeting.

Ten active members shall constitute a quorum for the transaction of business.

VII. AMENDMENTS.—This Constitution may be amended at any annual meeting by a two-thirds vote of those present; *Provided*, That the proposed amendment shall have been submitted in writing and entered on the minutes at a previous meeting, at least three months

beforehand. The By-Laws which may be made by the Society may be amended or suspended at any regular meeting, or special meeting for that purpose, by a two-thirds vote; *Provided*, That the regular order of business may be varied at any meeting by a majority vote.

BY-LAWS.

The Treasurer shall give bond in the sum of two thousand dollars with sureties to be approved by the Board of Directors, and the same shall be filed with the Secretary. He shall receive for his services the sum of twenty-five dollars per annum, payable on the first of January for the year preceding.

2. The Secretary shall act as librarian of the Society. He shall use his best efforts to promote the growth of the library and cabinets, and preserve a complete record of the articles received by the Society. Only members of this Society shall be entitled to draw books from the library; no manuscripts or articles from the cabinet shall be withdrawn from the custody of the Secretary; he shall preserve all correspondence received in proper files, and keep copies of all letters written by him.

He shall receive for his services the sum of five hundred dollars per annum, payable in quarterly installments on the first day of April, July, October, and January for the quarter preceding.

Provided, that in case the legislative appropriation shall in the judgment of the Board of Directors, warrant, they may authorize the Secretary to employ an assistant to act as librarian and to do the general work of the Society under his supervision, at such salary as they may determine, not to exceed \$1,400; and in that event the salary shall be \$100.

3. The President-elect shall appoint at each annual meeting the following standing committees, composed of three members each:

A Committee on Publication, of which the Secretary shall be *ex officio* chairman, to select and prepare all matter for publication, and to supervise the printing thereof.

A Committee on Library and Cabinet, to assist the Secretary's collections, and with him have general superintendence thereof.

A Committee on Obituaries, whose duty it shall be to prepare memoirs of deceased members, and to collect materials for the same.

A Committee on Programmes, of which the Secretary shall be *ex officio* chairman, to arrange for suitable literary and other exercises at the various meetings of the Society.

4. The regular meetings of the Society shall be held in the city of Lincoln, at such hour and place as shall be designated by the Secretary.

5. The order of business at meetings shall be:

(1). Roll call, or other proceedings to ascertain the names and numbers of the members present.

(2). Reading of minutes.

(3). Reports of officers.

(4). Reports of standing committees.

(5). Reports of special committees.

(6). Communications and petition.

(7). Election of members.

(8). Election of officers.

(9). Miscellaneous business.

(10). Adjournment.

6. Cushing's Manual shall be authority on rules of order at the meetings of the Society.

CHAPTER XCV.

An act to encourage the "Nebraska State Historical Society."

Be it Enacted by the Legislature of Nebraska:

SECTION I. That the "Nebraska State Historical Society," an organization now in existence—Robt. W. Furnas,

president; James M. Woolworth and Elmer S. Dundy, vice presidents; Samuel Aughey, secretary, and W. W. Wilson, treasurer, their associates and successors—be, and the same is hereby recognized as a State institution.

SEC. 2. That it shall be the duty of the president and secretary of said institution to make annually reports to the Governor, as required by other State institutions. Said report to embrace the transactions and expenditures of the organization, together with all historical addresses which have been or hereafter may be read before the Society, or furnished it as historical matter, a data of the State or adjacent western regions of country.

SEC. 3. That said reports, addresses, and papers shall be published at the expense of the State, and distributed as other similar official reports, a reasonable number, to be decided by the State and Society, to be furnished said Society, for its use and distribution.

SEC. 4. That there be and is hereby appropriated annually the sum of five hundred dollars [\$500] for the use and benefit of said "Nebraska State Historical Society," to be used under the direction of its officers exclusively in defraying expenses, collecting and preserving historical matter, data, relics, for the benefit of the State.

Approved February 17th, A. D. 1883.

Laws of Nebraska, 1883, pp. 340-341.

BIENNIAL APPROPRIATIONS OF THE LEGISLATURE FOR THE
STATE HISTORICAL SOCIETY, 1883-1895.

1883.....	\$1,000.00	Laws of 1883, p. 340
1885.....	2,500.00	Laws of 1885, p. 414
1887.....	2,500.00	Laws of 1887, p. 729
1889.....	1,000.00*	Laws of 1889, p. 610
1891.....	2,500.00	Laws of 1891, p. 437
1893.....	2,000.00	Laws of 1893, p. 424
1895.....	3,000.00	Laws of 1895, p. 403

* In the transcribing of the appropriation bill of 1889, the word "Historical" was written "Horticultural," but the money was turned over by the Horticultural Society, that organization having a \$4,000 appropriation besides.

PARTIAL LIST OF DONATIONS OF RELICS,
BOOKS AND PAPERS, CONCERNING
NEBRASKA, RECEIVED 1893-95.

DONOR

- C. F. BENTLEY: Letter written from Nebraska January 28, 1866.
- JULES A. SANDOZ: Original settlers' plat of western Sheridan county, and photograph of the donor.
- CHARLES RISING: Old sword dug up at Eleventh and L, during grading of streets, found by donor.
- ROBERT W. FURNAS: Two photographs of Indians, and one of the secretaries of State of Nebraska.
- CLYDE B. AITCHISON: Photograph of Governor Burt, and an album of the autographs of the governors of the State and Territory.
- H. W. YATES: State Bank five dollar bill, Bank of Tekamah, Nebraska Territory, 1857.
- VANDERWALL AND VAIL, Blair: Photograph of W. H. Woods, Fort Calhoun.
- M. M. WARNER: Warner's *History of Dakota County*.
- SUPREME COURT: *Supreme Court Reports*.
- W. W. WATSON: Bill for ferrying Omaha Indians across the Missouri River, Feb. 18, 1854 to April 2, 1855.
- W. W. WATSON: Fairview, Nebraska Territory, townshare certificate, dated Jan. 2, 1857.
- MISS EMMA BOOSE: Photograph of Library Building before completion.
- S. A. GARDINER: Two pieces of "City of Lincoln" money.
- J. Q. GOSS: Cane made from the timber of the old trading fort that used to stand close to the river at Bellevue. Built perhaps as early as 1823 and torn down in 1872.

DONOR

- GERMAN CHICKORY COMPANY, O'Neill: First Chickory manufactured in Nebraska, summer, 1893.
- C. H. GERE: Stone found on or near an old emigrant trail, inscribed "John B. Hill, Ill., May 18, 1850."
- W. H. WOODS: A very large and valuable collection of relics from Fort Calhoun, or Fort Atkinson, as the fort was more often called. The relics came out to this country with the first soldiers in 1820. The fort was abandoned in 1828.
- W. H. WOODS: Many clippings concerning the history of Washington County.
- FRANKLIN BALL: Piece of a meteor which fell in Otoe County.
- FRANKLIN BALL: Ore from a gold mine in Keya Paha County.
- FRANKLIN BALL: Petrified wood from Niobrara River.
- D. ABBOTT: Sword found 45 miles northwest of Mc. Cook, bought and loaned by Mr. Abbott.
- J. STERLING MORTON: Large picture of himself, requested by the librarian.
- R. W. FURNAS: Large picture of himself, requested by the librarian.
- R. W. FURNAS: Registers of names of Nebraska people at New Orleans Exposition, 1884-85.
- A. M. BAIRD: Register of Nebraska names at the Centennial Exposition, 1876, one volume.
- MANAGERS FOR NEBRASKA: Registers of Nebraska names at World's Fair, five volumes.
- STATE TEACHERS' ASSOCIATION: Fine silk flag, used in competition between counties for several years, the flag being carried home each year by the county having the largest attendance at the State meeting in December.
- H. F. COOKE: Records of the *Beatrice Land Company*, April 22, 1857-May 29, 1858.

DONOR

- C. M. OSBORNE: Part I., "Lincoln Picturesque and Descriptive."
- ALEXANDER SCHLEGEL: List of the preemptions in Nebraska Territory from December 28, 1855, to October 28, 1856. Copied by the donor.
- S. P. BINGHAM: *History of Lancaster County, Nebraska.*
- S. W. CHAPMAN: Journal of John Wood in a trip across Nebraska in 1850.
- ALICE C. HUNTER: Three University class-canes.
- T. H. LINE: File of the *Marquette* (Hamilton County) *Independent.*
- S. A. GARDINER: Files of the *Schuyler Sun.*
- W. H. ELLER: *Nebraska in 1857*, by J. M. Woolworth.
-

OTHER BOOKS, PAPERS, AND RELICS.

- L. G. THAYER: Mexican coin.
- MISS L. G. GREEN: Colonial advertisement of *Elixir Salutis.*
- MISS L. G. GREEN: Minutes of the Ketoc-ton Baptist Association, 1814. Minutes of the Columbia Baptist Association, 1824, 1832.
- MISS L. G. GREEN: Circular to the voters of Fairfax upon the candidacy of W. H. Harrison, 1840.
- MISS L. G. GREEN: Bullet from the field of Bull Run.
- C. W. KALEY: Mormon scrip, Spanish Fork co-operative currency.
- W. H. WOODS: A box of British farthings of ancient date.
- W. H. P. BUCHANAN: Autograph letter of Horace Greeley, 1870.
- C. E. BESSEY: File of the Lincoln one-cent daily, 1894.
- C. E. BESSEY: Copy of the new constitution of New York.
- W. H. WOODS: Box of army buttons and flints.
- CATHERINE BURT, Ga.: Confederate bill.
- S. C. BASSETT: Two letters; Platteville, Wis., 1837, and Lancaster, Wis., 1841.

DONOR

- A COMMITTEE: Washington Centennial bronze medals.
- MISS L. G. GREEN: A war-time copy of the *Charleston Tri-Weekly Courier*.
- S. A. GARDINER: Campaign "money" of 1892.
- D. D. FORSYTHE: Massachusetts colonial coin, 1788.
- GEO. F. PARKER: Two speeches of President Grover Cleveland: one before the New England Society of Brooklyn, Dec. 21, 1891, in his own handwriting; and one before the Commercial Club of Providence, June 27, 1891, in Mrs. Cleveland's handwriting. Handsomely bound at the expense of the president of the Historical Society, Hon. J. Sterling Morton, and obtained from Mr. Parker through his influence.
- S. A. GARDINER: *Life of Franklin*, Boston, 1815.
- W. D. REED: Facsimile of Vicksburg Daily Citizen, July 2, 1863, printed on wall-paper.
- S. A. GARDINER: *American Revolution*, 2 Vols., "written in the style of ancient history," Phila., 1793.
- J. P. BOBB: *Poems of Pythagoras and Phocilis*, printed "*Argentorati apud Christianum Mylium*," 1565.
- R. H. STRAUSSMANN: Confederate money. (Loan Collection).
- MISS STELLA B. KIRKER: Collection of stones and woods from Palestine. (Loan collection).
- MRS. ABBA DOTON CHAMBERLIN, Woodstock, Vt: A large collection of valuable coins, bought by the Society from her at a very small price: It includes a Massachusetts Pine-Tree shilling, 1652; seven French Medallions; Gen. McClellan medal; Methodism Commemoration Medal; Chicago Memorial Medal of the Grant reception, Nov. 12-17, 1879; Chicago Exposition Medal, 1873; World's Peace-Jubilee Souvenir, 1872; American Independence Medal, 1876; Political coins, 1830-1845; Several Continental coppers, 1785-1790, including the first issue of the

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government, 1787; a nearly complete set of old copper cents, 1794-1857, two of each date; and many half-cents. Called "*The Chamberlin Collection.*"

J. S. KINGSLEY: Autographs of J. S. Dickenson, Gerrit Smith, C. Delano, Hamilton Fish, and others.

S. A. GARDINER: Pew number from the old North church, Boston, the church made famous by the ride of Paul Revere. (Loaned.)

W. D. REED: Silver knee and shoe buckle of revolutionary times.

J. STERLING MORTON: A design [three and one-half feet by five feet] finely framed, showing the Declaration of Independence; the members of the administration of this Government at two important anniversaries of the Union, July 4, 1876, and October 21, 1892, the 400th anniversary of the discovery of America; showing also a fac simile engraving of the painting by Trumbull, in the National Capitol, representing the signing of the Declaration of Independence.

J. STERLING MORTON: A framed design showing the seals of the government and its various departments.

.....: One of the pikes made at the order of John Brown in Pennsylvania and used at Harper's Ferry.

J. L. HOYT: *Demonologia Sacra*, Edinburgh, 1735.

W. H. WOODS: Spanish coin of 1798, found at Fort Calhoun, Nebraska.

F. N. JAYNES: List of emigrants to America, 1600-1700.

C. W. BUTTERFIELD, South Omaha: An uncirculated copy of a book on *Punctuation* by C. W. Butterfield.

ELWOOD MEAD, State Engineer of Wyoming: A photograph of Shoshone and Arapahoe Indians in a ghost dance, summer of 1894, near Fort Washakie, Wyo. Taken by Mr. Mead, and used in the preceding number of the *Quarterly* as a frontispiece.

DONOR

- S. A. GARDINER: *A History of the National Political Conventions of 1860*, by Murat Halstead, Columbus, 1860.
- D. H. AINSWORTH: *Recollections of a Civil Engineer*, by D. H. Ainsworth, Newton, Ia., 1893.



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Nebraska State Historical Society.

THIS department of the public work of the State was established by an act of the Legislature of 1883. Its headquarters are on the ground floor of the State University LIBRARY BUILDING, where its collections are kept. Into its fire-proof rooms is being gathered everything that relates to the history of Nebraska. As a matter of public record, for the use of all citizens of the State, the following kinds of material are sought, and anyone interested in the history of Nebraska will place the Society under great obligations by helping to bring things to the Society rooms.

1.—Original diaries, letters, manuscripts (or copies of these), papers and pamphlets, relating to the early settlement of Nebraska.

2.—Maps and plats of cities, towns, counties, and special sections of the country, together with exact dates and circumstances connected with the founding, location, or removal of any of these.

3.—Biographies of the early settlers, and of prominent people in the State, with photographs of the same.

4.—All the old files of papers possible to secure, especially the territorial newspapers. The Society will, in due time, bind all these that come into its possession, and place them where they may be referred to at any time.

5.—Histories and narratives of Nebraska regiments and companies in the Civil War and in the Indian Wars; and personal narratives.

6.—All books, pamphlets, speeches, catalogues of schools, etc., published in the State or relating to it.

7.—Photographs of men, women, public buildings, cities and towns, and Nebraska scenery. Everything of the kind that can be had.

8.—Relics of all kinds: Indian implements, fire-arms, garments, and things representative of the life of the various tribes that have lived in the State. Remains of prehistoric tribes, such as have been found in the State: pottery, etc. Fire-arms and relics of the Civil War.

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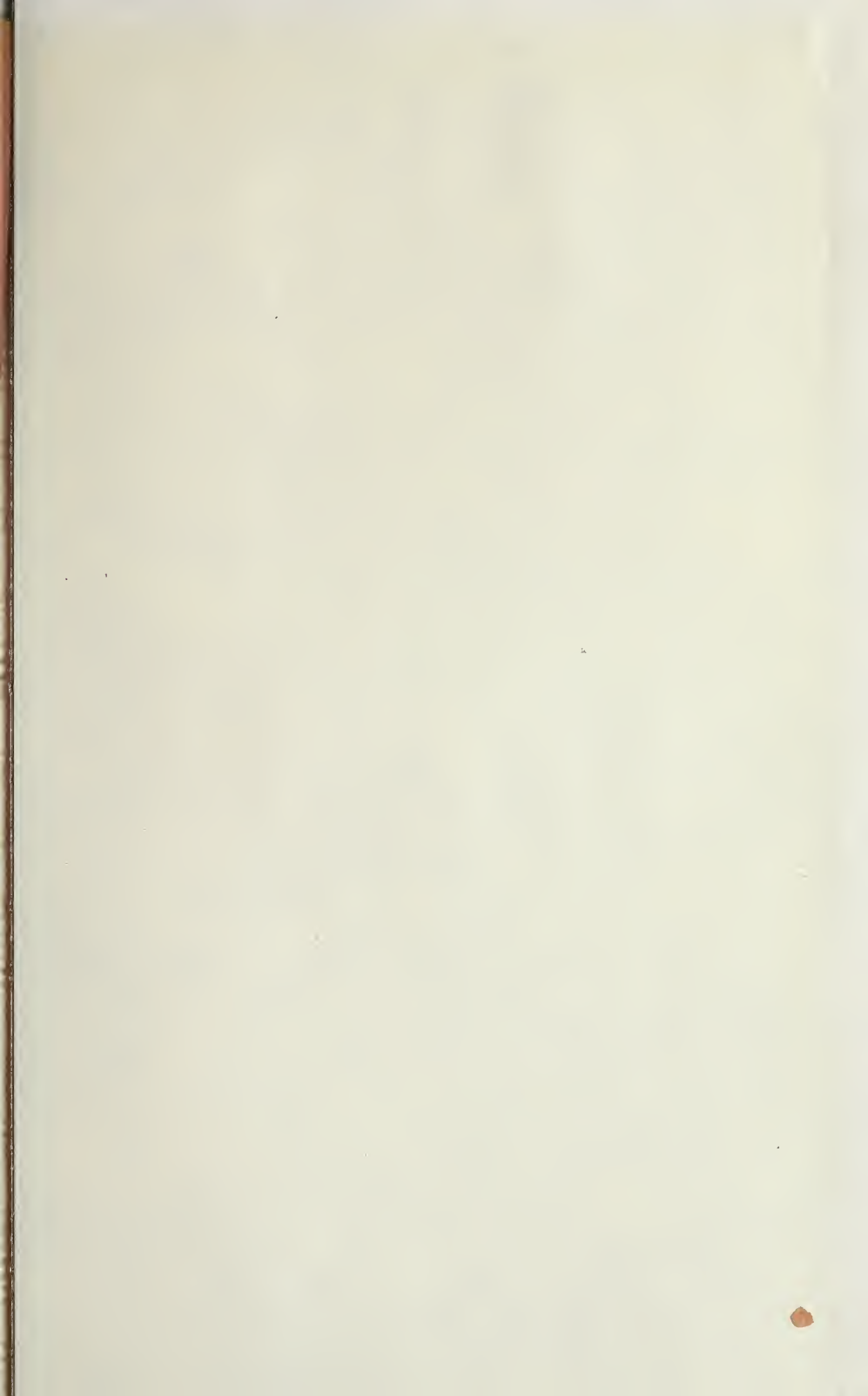
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